

Berton W. Sibley,  
Frank F. Robards,  
William Brackett,  
Chandler Campbell,  
William L. Redles,  
Woodell A. Pickering,  
Charles T. Westcott, jr., and  
Franklin S. Wiltse.

Second Lieut. Henry N. Manney, jr., to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Frank C. Lander, promoted.

Second Lieut. Clifford P. Meyer to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Thomas H. Brown, promoted.

Second Lieut. Franklin B. Garrett to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. William G. Fay, promoted.

Second Lieut. Calvin B. Matthews to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Eli T. Fryer, promoted.

Second Lieut. Arthur A. Racicot, jr., to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Edward A. Greene, promoted.

Second Lieut. Tom D. Barber to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Hamilton D. South, promoted.

Second Lieut. Hermann T. Vulte to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. James T. Buttrick, promoted.

Second Lieut. Edward W. Sturdevant, jr., to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Giles Bishop, jr., promoted.

Second Lieut. Andrew B. Drum to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. James K. Tracy, promoted.

Second Lieut. Victor I. Morrison to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Ellis B. Miller, promoted.

Second Lieut. Maurice E. Shearer to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Arthur J. O'Leary, promoted.

Second Lieut. Ward Ellis to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Berton W. Sibley, promoted.

Second Lieut. Charles A. Lutz to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. William Brackett, promoted.

Second Lieut. Calhoun Ancrum to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Chandler Campbell, promoted.

Second Lieut. David M. Randall to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. William L. Redles, promoted.

Second Lieut. John R. Henley to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Charles T. Westcott, jr., promoted.

Second Lieut. Henry S. Green to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Franklin S. Wiltse, promoted.

Second Lieut. Ralph L. Shepard to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Frederick A. Ramsey, promoted.

The following-named second lieutenants in the United States Marine Corps to be first lieutenants in the Marine Corps from the 13th day of May, 1908, to fill vacancies created in that grade by an act of Congress approved on that date:

Howard W. Stone,  
Bennet Puryear, jr.,  
William W. Buckley,  
William C. Wise, jr.,  
William D. Smith,  
Harold B. Pratt, and  
Randolph Coyle.

First Lieut. Frederick A. Ramsey to be a captain in the United States Marine Corps from the 13th day of May, 1908, to fill a vacancy created by an act of Congress approved on that date.

First Lieut. John A. Hughes to be a captain in the United States Marine Corps from the 14th day of May, 1908, vice Capt. Harold C. Reisinger, appointed captain, assistant quartermaster.

Second Lieut. Philip H. Torrey to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Earl H. Ellis, promoted.

Second Lieut. Robert L. Denig to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. John A. Hughes, promoted.

Second Lieut. Logan Tucker to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Frank Halford, appointed a captain, assistant quartermaster.

Second Lieut. Charles S. McReynolds to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Walter E. Noa, appointed a captain, assistant quartermaster.

Second Lieut. Charles F. B. Price to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Seth Williams, appointed a captain, assistant quartermaster.

Second Lieut. William C. Powers, jr., to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Davis B. Wills, appointed a captain, assistant paymaster.

Second Lieut. Russell H. Davis to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Edward W. Banker, appointed a captain, assistant quartermaster.

Second Lieut. Sydney S. Lee to be a first lieutenant in the United States Marine Corps from the 14th day of May, 1908, vice First Lieut. Charles R. Sanderson, appointed a captain, assistant quartermaster.

Second Lieut. Robert Tittoni to be a first lieutenant in the United States Marine Corps from the 17th day of May, 1908, vice First Lieut. William A. Howard, retired.

First Lieut. Thomas C. Turner to be a captain in the United States Marine Corps from the 17th day of June, 1908, vice Capt. Henry O. Bisset, retired.

Second Lieut. Ross E. Rowell to be a first lieutenant in the United States Marine Corps from the 17th day of June, 1908, vice First Lieut. Thomas C. Turner, promoted.

Capt. Smedley D. Butler to be a major in the United States Marine Corps from the 13th day of May, 1908, vice Maj. Eli K. Cole, promoted.

Templin M. Potts, jr., a citizen of West Virginia, to be a second lieutenant in the United States Marine Corps from the 10th day of March, 1905, to fill a vacancy existing in that grade on that date.

Clarke H. Wells, a citizen of the District of Columbia, to be a second lieutenant in the United States Marine Corps from the 9th day of September, 1908, to fill a vacancy existing in that grade on that date.

#### POSTMASTER.

##### FLORIDA.

Frank Vans Agnew, to be postmaster at Kissimmee, Fla.

#### INJUNCTION OF SECRECY REMOVED.

On December 10, 1908, the following conventions were ratified by the Senate, and the injunction of secrecy was removed therefrom:

An arbitration convention between the United States and China (Ex. A, 60th, 2d).

An arbitration convention between the United States and Peru (Ex. B, 60th, 2d).

A naturalization convention between the United States and Brazil (Ex. C, 60th, 2d).

A naturalization convention between the United States and Honduras (Ex. D, 60th, 2d).

A naturalization convention between the United States and Uruguay (Ex. E, 60th, 2d).

#### HOUSE OF REPRESENTATIVES.

THURSDAY, December 10, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

#### PROCTOR MEMORIAL EXERCISES.

Mr. HASKINS. Mr. Speaker, on the 27th day of last May a special order was made by the House setting apart next Sunday, December 13, for memorial addresses upon the life, character, and public services of Hon. REDFIELD PROCTOR, of Vermont. The Senate has postponed action upon their order. I now ask that a different order be made, changing it to Sunday, January 10, 1909, at 12 o'clock.

The SPEAKER. The gentleman asks unanimous consent to substitute January 10 for the Proctor memorial exercises in lieu of next Sunday. Is there objection? [After a pause.] The Chair hears none.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

## PENSIONS.

Mr. SULLOWAY. Mr. Speaker, I am informed by the chairman of the Committee on Appropriations that they desire to continue work on the consideration of the legislative bill until completed. I now ask that the next legislative day following the disposition of the legislative bill shall be substituted for tomorrow for the purpose of considering bills on the Private Calendar.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the next legislative day after the completion of the consideration of the legislative, executive, and judicial appropriation bill shall be set apart in lieu of tomorrow for pensions. Is there objection? [After a pause.] The Chair hears none.

## LEGISLATIVE APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I desire to state that the gentleman from Pennsylvania [Mr. BINGHAM], of the Committee on Appropriations, has been authorized to report the legislative, executive, and judicial appropriation bill, and will make the report very soon. It is the desire of the committee to take the bill up for consideration to-morrow immediately after the reading of the Journal.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BINGHAM, from the Committee on Appropriations, reported the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

Mr. FITZGERALD. I reserve all points of order on the bill.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

Mr. PAYNE. I demand the regular order.

Mr. LIVINGSTON. Will the gentleman from New York withdraw that for a moment?

Mr. PAYNE. I withdraw the demand for a moment.

Mr. LIVINGSTON. I just want to fix the time for debate in the House now.

The SPEAKER. It can be fixed now or to-morrow, as the gentleman prefers. The gentleman from Pennsylvania will please give his attention.

Mr. LIVINGSTON. I give notice to the gentleman in charge of the bill that to-morrow we will regulate the time for debate on both sides.

## CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the first committee.

## CLAIMS.

Mr. WALDO (when the Committee on Claims was called). Mr. Speaker, the gentleman from Kansas [Mr. MILLER] has some bills which he wishes to take up, and I ask that the committee be passed until he can get here.

The SPEAKER. The gentleman asks that the committee be passed without prejudice.

Mr. MANN. I think that that committee has nothing to call on the call of the committees.

Mr. WALDO. I understand we have. We have a Calendar of bills.

Mr. CHANEY. Are they on the Private Calendar?

Mr. WALDO. Yes.

Mr. CHANEY. This call is only for House bills.

The SPEAKER. Has the Committee on Claims any bill on the House Calendar?

Mr. WALDO. I think not, but I am not sure; and in the absence of the gentleman from Kansas [Mr. MILLER] I ask that the committee be passed without prejudice until the chairman of the committee arrives.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

## BOOKS FOR THE LIFE-SAVING SERVICE.

Mr. BATES. Mr. Speaker, by direction of the Committee on Expenditures in the Treasury Department I call up the bill (S. 3495) to authorize the transfer of books from the Treasury Department library to life-saving stations of the United States. The bill was read at length.

Mr. BATES. Mr. Speaker, this is a bill to transfer about 3,000 volumes that are now in the custody of the Secretary of

the Treasury, and send them out to the life-saving stations of the United States, where they will be used and appreciated. They are not used in the Treasury building. The bill has passed the Senate, has the report and approval of the House Committee on Expenditures in the Treasury Department, and is on the House Calendar for passage. I ask for a vote.

Mr. TAWNEY. I desire to ask the gentleman a question. I understand him to say that the number of volumes is about 6,000.

Mr. BATES. The report of Mr. Winthrop, the assistant secretary, states that the number is about 6,000 volumes.

Mr. TAWNEY. Does the gentleman know the total number of volumes in the Treasury library?

Mr. BATES. No; I can not say.

Mr. TAWNEY. Is it intended to transfer the entire library now in the Treasury Department?

Mr. BATES. Oh, not at all.

Mr. TAWNEY. It ought to be done. I was just wondering whether it did or not.

Mr. MANN. It is intended to transfer that class of books that are not of use in the Treasury Department, but that are good reading.

Mr. BATES. That is all.

Mr. OLMSTED. I would like to inquire of the gentleman having charge of the bill—my colleague from Pennsylvania—whether these books relate to the subject of first aid to the injured; or, if not, what the object is of sending them to the life-saving stations?

Mr. BATES. They are largely books of entertainment and travel, and novels, for the whiling away of the tedious hours of the men who are in the life-saving stations of the United States. The books are not especially instructive, I understand, although I think they will be of use in the places to which they are intended to be sent.

Mr. OLMSTED. My observation of two or three of these life-saving stations is that the so-called life savers there are good for little else except entertainment, although the most of them render excellent service, and I therefore shall not object.

Mr. MANN. I do not think that statement ought to go unchallenged.

The SPEAKER. Will the gentleman from Pennsylvania suspend for a moment? The Clerk at the desk informs the Chair that this bill is not upon the Calendar, that the bill itself is not present, and furthermore that it passed the House on the 30th day of May last.

Mr. BATES. I withdraw the bill. I was requested by one of the executive departments to pass this bill at the first opportunity, and found such a memorandum on my desk. I understand it is not yet a law.

## CITIZENSHIP OF MILITARY AND NAVAL DESERTERS.

The Committee on Naval Affairs was called.

Mr. ROBERTS. Mr. Speaker, by direction of the Committee on Naval Affairs I call up Senate bill 5473, to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section 1996: *Provided*, That the provisions of this section and section 1996 shall not apply to any person deserting the military or naval service of the United States in time of peace: *And provided further*, That the loss of rights of citizenship imposed by law upon deserters from the naval service may be mitigated or remitted by the Secretary of the Navy where the offense was committed in time of peace and where the exercise of such clemency will not be prejudicial to the public interests."

Mr. ROBERTS. Mr. Speaker, this bill has been called to the attention of Congress by the Secretary of the Navy, and the injustice and hardship of the existing law has been pointed out by him. It seems that this forfeiture of rights of citizenship for desertion from the navy was first imposed by law in 1865, and the purpose and intent of that act was, as set out by Col. William Winthrop, a writer of recognized authority on military jurisprudence, to prevent those who were drafted from escaping the effects of the draft. Let me read a brief paragraph from his work:

It may be added in regard to this statute that, though general in its terms, it was manifestly intended as a means of enforcing the draft and of preventing desertion at a period of emergency and public danger. It was thus in fact a war measure, and the general clause was apparently added only to cover such period as might remain of the then existing war. Not being limited, however, to such period, it has been treated as of continuous operation. In a normal condition of peace, a statute of this exceptional character, by which desertion is visited with a "po-



litical" punishment, is incongruous and unnecessary, and its retention in our military law is no longer desirable.

Now, the Secretary of the Navy very aptly says that the American Navy is never troubled with desertions in time of war, and the only trouble we do have is with the young fellows, boys of 18, 19, or 20, who are joining the American Navy in such great numbers, who are led away by improper associates, without having any conception of the enormity of the punishment that will follow their desertion, and who compose the majority of the deserters from our navy to-day.

Let me say to the House that the punishment for desertion at the present time carries with it imprisonment, usually not less than one year, forfeiture of all pay that may be due, dishonorable discharge from the navy, which prevents the person from ever again enlisting in the navy, and by statute, not by sentence of court-martial, the further enormous punishment which we only mete out to felons—loss of citizenship.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. What is your proposition, stated briefly?

Mr. ROBERTS. The proposition, Mr. Speaker, is to strike out of the statute law that horrible punishment for a comparatively minor offense—desertion in time of peace—so that when a man deserts from the navy, hereafter, he will only get the court-martial punishment, which is imprisonment, loss of his pay, and dishonorable discharge from the navy, leaving him still an American citizen.

Mr. CLARK of Missouri. Then this law, as it stands now, applies to both the army and navy?

Mr. ROBERTS. It only applies to the navy, because the naval committee did not deem it within its province to offer legislation affecting the army. The provision should apply, in my judgment, to both branches of the military service.

Mr. MANN. I beg the pardon of the gentleman from Massachusetts, but it does apply to both the army and the navy. If the gentleman will read the amendment, he will see that it applies to the military and naval service of the United States.

Mr. ROBERTS. I accept the corrections, Mr. Speaker; it does apply to both branches.

Mr. CLARK of Missouri. Does either the Secretary of War or the Secretary of the Navy recommend this measure?

Mr. ROBERTS. The Secretary of the Navy recommends it. If the gentleman from Missouri will read the House report No. 1340, he will see that the Secretary of the Navy devotes a page of fine print to the advocacy of his recommendation.

Mr. CLARK of Missouri. Which Secretary of the Navy?

Mr. ROBERTS. Secretary Metcalf. I would state for the information of the gentleman from Missouri that the House amendment goes a step farther than merely repealing that clause relating to loss of citizenship, and gives the Secretary of the Navy authority, where it is not incompatible with the public interest, to restore citizenship to those who have lost it by desertion prior to the passage of this act; the object of putting that in was to prevent a flood of bills coming upon Congress to restore citizenship to those who have lost it under the operation of the old law.

Mr. CLARK of Missouri. The Secretary of War has the power to do that now, has he not?

Mr. ROBERTS. Neither the Secretary of War nor the Secretary of the Navy has the power to restore citizenship. That is the statute provision, and the Secretaries have no discretion; it goes with the court-martial sentence, as a part of it.

Mr. KELIHER. Can they go back and pardon a man who has previously been convicted? In other words, is the power of the Secretaries to be retroactive?

Mr. ROBERTS. Under this bill the Secretary of the Navy has the right to restore the rights of citizenship to those who lost it prior—

Mr. KELIHER. How far back?

Mr. ROBERTS. Back to 1865 in cases, as the amendment states, where such clemency will not be prejudicial to the public interest.

Mr. UNDERWOOD. I would like to ask the gentleman a question.

Mr. ROBERTS. Very well.

Mr. UNDERWOOD. Has not the President of the United States this power under his authority to restore citizenship by issuing a pardon for the offense?

Mr. ROBERTS. I will state that probably if the President should pardon a man for desertion, citizenship would be restored; but there are so many cases of desertion that it would not be feasible for the President to be burdened with the responsibility of looking into all these cases and issuing or withholding a pardon. It is a monstrosity in the law that should be taken out of it.

Mr. KELIHER. Is it not a fact that all the evidence in the cases is furnished the President by the department heads?

Mr. ROBERTS. Yes; I think it is.

Mr. GAINES of Tennessee. I would like to ask the gentleman from Massachusetts a question.

Mr. ROBERTS. Very well.

Mr. GAINES of Tennessee. Can the gentleman give to the House about the average age of the men who desert from the army or the navy?

Mr. ROBERTS. The Secretary of the Navy, speaking for the navy, says that the larger proportion or great majority of the desertions from the navy are of young men in their first enlistment. Now, I am not able to state the average age of these young men, but I might say to the gentleman from Tennessee that it was stated when the fleet started for its cruise around the world, if my memory serves me, that the average age of the men in the ships was about 21 years.

Mr. GAINES of Tennessee. I want to say to the gentleman that I am in favor of his bill, and I will state further that I do not think I ever had a case of desertion where the party who deserted knew beforehand that he would lose his citizenship.

Mr. ROBERTS. I will venture to say that not one man in ten thousand who joins the naval service of the United States knows or dreams even that should he desert he would lose his citizenship.

Mr. GAINES of Tennessee. And utterly regardless of the awfulness of the crime of desertion.

Mr. ROBERTS. I want to point out just one other feature of the bill. It does not affect the law regarding desertions in time of war, but only in time of peace.

Mr. KEIFER. Mr. Speaker, I would like to ask the gentleman a question. I understand from the reading of the Clerk that this bill undertakes to give the power to the Secretary of the Navy to grant pardons to deserters from the navy.

Mr. ROBERTS. Mr. Speaker, if the gentleman will read the full text of the bill he will see that that power is given to the Secretary to deal only with cases of desertion in the past. If we are going to take this out of the law so that a man who deserts hereafter does not lose citizenship, it is only a matter of fairness that those who deserted prior to that law should have citizenship restored when not prejudicial to public interests.

Mr. KEIFER. What I want to know is whether it is the understanding that all convictions now for desertion take from the party citizenship?

Mr. ROBERTS. Conviction itself under the existing law forfeits citizenship. That is the monstrosity of the law.

Mr. KEIFER. Do I understand the object of this bill is to give such power, the equivalent of the pardoning power, to the Secretary of the Navy to restore that citizenship?

Mr. ROBERTS. In cases in the past. If this becomes a law desertion in time of peace will not forfeit citizenship. That is, the loss of citizenship does not go with the conviction for desertion.

Mr. KEIFER. That explanation is all right, but this is the point: I want to know whether the gentleman's committee has considered the question as to whether the Secretary of the Navy himself, and not the President, can be given by law the pardoning power after a conviction of a deserter from the navy that has the effect of taking away citizenship.

Mr. ROBERTS. The committee did consider that, and we thought that inasmuch as all the records concerning the deserter were in the custody of the Secretary of the Navy, and that, if you may call it so, the pardoning power would be more expeditiously exercised and with equal discretion by the Secretary of the Navy, it would be better not to bother the Chief Executive, as he would be bothered, by innumerable petitions for the restoration of that citizenship.

Mr. KEIFER. Mr. Speaker, I have been unfortunate in having the gentleman understand the point I am trying to reach, and that is this: Whether the Secretary of the Navy can be given the pardoning power to the exclusion of the President of the United States in the cases to which he refers.

Mr. ROBERTS. It seems to me the gentleman loses sight of the real point here. We are not pardoning anybody under the provisions of this bill. The man upon whose case the Secretary would act is not serving a sentence—he is not in prison. He is at liberty. We are restoring the right that has been forfeited by operation of law, and we restore it by operation of law.

Mr. KEIFER. Mr. Speaker, I understood the gentleman to say, however, that he was under a sentence of conviction for the crime of desertion, which took away his citizenship, and that it is now proposed to restore that to him by giving the power to the Secretary of the Navy to pardon him.

Mr. ROBERTS. The sentence for desertion itself makes no mention of loss of citizenship. The sentence itself of the court-martial does not mention loss of citizenship in any way, shape,

or manner. That goes along with it by operation of the statute of 1865.

Mr. KEIFER. Because the law forfeits it.

Mr. ROBERTS. The law fixes it.

Mr. KEIFER. Yes. I want to say that I do not believe you can give the pardoning power by statute to anybody, that power being vested exclusively in all federal convictions to the President of the United States by the Constitution of the United States.

Mr. HULL of Iowa. Has not the President the absolute right now to restore these parties?

Mr. ROBERTS. I want to say, Mr. Speaker, that would be a moot question after the prisoner has served his sentence, upon discharge from prison, dishonorable discharge from the navy; it is a grave question, in my opinion, whether the President then has power to restore citizenship.

Mr. HULL of Iowa. I do not believe that there is any question of the right—

Mr. ROBERTS. I do not believe you should punish a man for an offense after he has expiated that offense.

Mr. HULL of Iowa. He has done that in the past in the army, to my certain knowledge, where an officer of the army was convicted for misappropriation of public funds, served in the penitentiary at Leavenworth, who was pardoned out at the close of his term and restored to citizenship.

Mr. ROBERTS. After he served his sentence?

Mr. HULL of Iowa. At the conclusion of his sentence he was pardoned out.

Mr. ROBERTS. And before the Government had released him from custody? I should question it very much, but the gentleman, who has had wide experience, will admit, if this becomes the law—this provision taking out the loss of citizenship from the statute—there will be thousands of cases brought to somebody's attention of those who have deserted and thereby lost their citizenship who will want to be restored to citizenship, and somebody will be flooded with these petitions. Now, it would seem to me, as a practical question, that we had better let the Navy Department and the Secretary of the Navy stand the brunt than to throw it upon the President.

Mr. HULL of Iowa. Then had you not better strike out the words "military or naval service?" Make it simply desertion from the naval service. If the gentleman will do that, I should not care to interfere with the naval portion. I doubt very much the wisdom of the legislation, and can see no reason why the army should be put in without any investigation whatever. I have never had a recommendation of that kind from any man connected with the department, and I think it is a radical change of the law.

Mr. SABATH. Does this apply only to the navy?

Mr. HULL of Iowa. It applies to both army and navy, but it does not allow the Secretary of War to remove the penalties imposed in the past, while this goes further. It does give to everyone who has been convicted of desertion the right of citizenship again who has deserted from the navy.

Mr. GOULDEN. Why did you include the military branch in all except the pardoning power of those deserting in the past?

Mr. ROBERTS. Because we did not feel warranted in suggesting legislation which would constrain the action of the Secretary of War. We wanted to confine our legislation as closely as possible to the naval end of it.

Mr. GOULDEN. But you include the military end so far as the future is concerned, and I think it ought to be included.

Mr. ROBERTS. I agree with you. I will say to the chairman of the Committee on Military Affairs that if he does not like it, I will accept an amendment striking out the military part of it. I will say frankly the purpose of the Committee on Naval Affairs is to look out for that end of it and the good of the navy.

Mr. MANN. And the purpose of Congress ought to be to look out for both.

Mr. ROBERTS. We agree there fully, but by reason of a clash of authority between committees, the Naval Affairs Committee did not want to go any further than absolutely necessary, so we did not confer any power on the Secretary of War with regard to past offenses.

Mr. HULL of Iowa. The whole question is a new one. How many men are affected we have no information whatever; what its effect will be upon the service we have no information whatever.

Mr. SABATH. Many thousands of young men, from 16, 17, and 18 years of age, who enlist have not the slightest idea that they would be punished severely if they desert. They are made all kinds of promises when they enlist. Now, after they enlist

and serve for a few months and then desert, they lose their citizenship.

Mr. HULL of Iowa. There are desertions from both the army and navy from men past 20 years of age, who know what they are about—

Mr. SABATH. Very few.

Mr. HULL of Iowa. Who know all about what their obligation is. It costs the Government of the United States a thousand dollars to equip and start a man out in the service.

In a great many of these cases the men enlist with the idea of getting fitted out, serving but a little while, getting transported to some point, and desert. You cast the whole thing together. You make it appear so that there is practically no punishment except of a little imprisonment.

Mr. ROBERTS. Now, let me say to the gentleman right there, I do not know what the punishment is for desertion from the army, but I do know that in the navy the punishment for desertion in time of peace is a very severe one. And they are not only sentenced to serve not less than a year in prison, but they lose any allowances that may be coming to them, and they are dishonorably discharged.

Mr. SABATH. That same punishment is in the military, is it not?

Mr. HULL of Iowa. It is the same thing.

Mr. ROBERTS. It seems to me it is a sufficient punishment for so comparatively trivial an offense as desertion in time of peace.

Mr. SLAYDEN. Desertion is not a trivial offense.

Mr. ROBERTS. I maintain that desertions by the great mass of those who commit them, young fellows from 16 to 18 and 19 years of age, are a trivial offense when those desertions come in their first enlistment.

Mr. MANN. And the punishment now is, without doubt, abhorrent to modern civilization.

Mr. KELIHER. In the gentleman's opinion, does he consider that that feature of the punishment that applies forfeiture of citizenship acts as a deterrent to desertions from the navy to-day?

Mr. ROBERTS. Absolutely no; because, as I stated a moment ago, I do not believe one person in ten thousand who enlists in the navy even dreams he will lose his citizenship should he desert in time of peace, and not having any knowledge of that extraordinary punishment, it can not have any deterrent effect on desertion.

Mr. KELIHER. If the gentleman will permit me, I want to supplement that remark by this statement. I come from a seaboard city, and have had a number of experiences in just such cases, and in nine-tenths of them the culprits had no idea whatever that they would forfeit their citizenship by desertion from the navy.

Mr. ROBERTS. It is only in after years that the enormity of this punishment comes home to these young fellows. After they have attained years of discretion, have become good citizens in the community, and then seek some office either at the hands of their fellow-citizens or by appointment, they are met with that awful punishment of loss of citizenship. And we are creating by the operation of this act a class of young men in this country, numbering thousands, American-born boys, who are not citizens of this country, and who have lost that precious right because in a moment of heedlessness, or homesickness, or for some trivial cause, they left the naval service during their first enlistment.

Mr. GOLDFOGLE. And you practically outlaw them.

Mr. PAYNE. The gentleman from Massachusetts [Mr. ROBERTS] thinks it is an extraordinary punishment. In our State every man who is convicted of a felony loses his right of citizenship, and I suppose that is so in most of the States of this country.

Mr. ROBERTS. I agree with the gentleman, if he wants to call a boy 18 years of age, in his first enlistment, the first time he is away from home, and homesick, who runs away to go back to his mother, a felon, it is not unusual or extraordinary.

Mr. PAYNE. Desertion in time of war is a very serious matter.

Mr. ROBERTS. I will now yield to the gentleman from Iowa [Mr. HULL], the chairman of the Committee on Military Affairs.

Mr. PAYNE. The law calls a boy, even 18 years of age, who in a moment of thoughtlessness runs away from the navy, a felon if he is convicted, just as much as it does now a boy 18 years of age who in a moment of temptation robs the till or commits the crime of forgery in his employer's service. And the law of nations recognizes always the crime of desertion



as a very serious one, and in times of war sometimes a man's life is forfeited, and justly so, on account of it.

Now, I only mention that because the gentleman said it was a very extraordinary punishment and seems to think it was applicable only to this offense, and that therefore no one dreamed of the consequences that would follow. I do not know why a young man should not, if he was going to commit what is denounced as a felony—if it is what the gentleman thinks it is, a trivial offense to desert from the navy—I do not know why he should not as well be apprised of the consequences that follow his act as a young man who does commit the crime of grand larceny. I am not comparing the two offenses, but simply stating that offense.

Mr. ROBERTS. I know the law makes desertion a felony, with the loss of citizenship; but I still maintain that it is a barbarous punishment for a comparatively trivial offense. I, for one, and the Naval Committee as well, want to see that monstrosity taken out of our laws. This was a civil-war measure, an emergency measure, in time of great stress; but by its construction these harsh provisions have been extended down to the present time, and it seems to me we are now far enough away from the civil war and far enough away from the emergency that made that law desirable to be able to dispense with this harsh provision.

Mr. PAYNE. If the gentleman confines himself to the kind of an argument he is now making, which is a legitimate argument, and not the extreme argument he was making in regard to the heinousness of the punishment of desertion, I am more inclined to favor his bill.

Mr. PRINCE. I desire to ask the gentleman a question.

Mr. ROBERTS. I will yield to the gentleman for a question.

Mr. PRINCE. Do you not think that those very highly colored pictures inciting and encouraging young men to enlist in the navy have, through the inducements and through the promises to them of things that they will obtain by reason of the service, that they never get, been the cause of many young men enlisting; and after they get into the service they fall homesick and are inclined to leave without full knowledge as to the effect of this provision that you are now seeking to modify?

Mr. ROBERTS. In answer to the gentleman, let me say that I have had brought to my personal attention many cases of young men who have been induced—I will not say by what means—to enlist in the navy under the impression that they were to get great opportunities; that great advantages would be placed before them; and after they had left their homes and been in the navy a few months they did not see the opportunities nor the advantages, and they got homesick and ran away. These young fellows, some of them sons of the best families in this country, by operation of this statute stand today as outlaws in the land of their birth. That is what the law is doing. It is creating a band of outlaws in this country—outlawing young American boys, born in this country, in many cases of a long line of American ancestors.

Mr. DRISCOLL. Will the gentleman allow me to ask him a question?

Mr. ROBERTS. I yield to the gentleman for a question.

Mr. DRISCOLL. I want to ask the gentleman whether he proposes to inflict any punishment on these boys after they have enlisted and then deserted from the service?

Mr. ROBERTS. The gentleman from New York evidently has not been listening to my statement. They get not less than one year imprisonment if they are convicted. And, as a further punishment, if they desert they lose all pay and allowances that may be due them at the time of desertion, and they are dishonorably discharged from the navy, and can never thereafter join the naval or military service of the country. That is punishment enough.

Mr. DRISCOLL. Is this a special case?

Mr. ROBERTS. That is the general punishment.

Mr. DRISCOLL. Is this bill of yours a special case?

Mr. ROBERTS. It is a change of the general law, taking out of the statutes that barbaric penalty which has continued from war times to the present time.

Mr. DOUGLAS and Mr. SLAYDEN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. ROBERTS. How much time have I remaining?

Mr. DOUGLAS. Does the gentleman yield for a question?

The SPEAKER. The gentleman has twenty-six minutes remaining. Does the gentleman yield to the gentleman from Ohio?

Mr. ROBERTS. I yield for a question.

Mr. DOUGLAS. Why does not section 2, Article II, of the Constitution, which provides that upon the advice of any executive officer the President may grant a reprieve or pardon, cover

the case? I do not know but what the gentleman may have stated that in his remarks.

Mr. ROBERTS. Reprieve is commonly understood to relate to a case where a man is under sentence of death and before the sentence has been executed. Now, it will be of no good to a man to grant him a reprieve after his neck has been stretched. A pardon is properly supposed to relate to a case where a man is undergoing sentence and the sentence has not expired.

Mr. SLAYDEN. Mr. Speaker, in view of the fact that no administrative official of the War Department has requested legislation of this kind, I should like to ask the gentleman from Massachusetts if he does not think it would be wise to exempt the army entirely from the operation of the bill?

Mr. ROBERTS. I have stated repeatedly to the chairman of the Committee on Military Affairs that if he will offer an amendment striking out "military or," in the first line, I will accept it or let the House vote on it.

I yield to the gentleman from Tennessee [Mr. GAINES] three minutes.

Mr. GAINES of Tennessee. Mr. Speaker, I have had considerable experience in these desertion matters since I have been in Congress. I was appalled when I learned of the dense ignorance which exists of the fact that deserters are visited with a loss of citizenship as a part of the penalty, sometimes in the most trivial cases. I recall two or three examples, which I will give you. The first was that of two brothers who deserted to go home and marry two sisters, and as they were going back to their post of duty they were arrested and court-martialed. That is the way I remember the case. Another case was where a young man wanted to go home to see his sick mother. He deserted and went home, saw her; and his brother after advising him of the great wrong that he had done, put him on the train and sent him back, and en route was arrested. He was court-martialed, and my recollection is that he lost his citizenship. He had no intention of finally deserting. He meant to go back to his post. He had been a good citizen, of good standing and good family. I have had other experiences in cases of all kinds, some of them of the most trivial nature. A man convicted of desertion is imprisoned, fined, humiliated, chastised in every conceivable way except to take his life, and finally stripped of his citizenship. This is a proposition to mitigate that in time of peace, not in time of war. I am going to vote for the bill, because I think the punishment is too great. In time of war it may not be, but in time of peace it certainly is. Nearly every case that has come under my observation has been a case not of willful or malicious desertion. I recall a third case, that of a young boy whose widowed mother married again. He then slipped away and went into the navy against her will. Afterwards the stepfather died, leaving the mother a thousand miles away from her friends and old home, solitary and alone. She had in the meantime lost her eyesight. This boy deserted to go to see his mother under those circumstances.

Mr. HULL of Iowa. If the gentleman will allow me, I can state that in a case of that kind the boy did not need to desert; he did not need to desert, because the law under such circumstances allows a soldier his discharge.

Mr. GAINES of Tennessee. This boy learned that his mother was homeless, friendless, and penniless, and had lost her eyesight by waiting upon her unfortunate husband. When he was denied the privilege of going home to see her after he had enlisted against her will, he was punished under this terrible law because he did go. This law is too savage in time of peace; hence I am going to vote for the bill.

Mr. ROBERTS. I yield three minutes to the gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs.

Mr. HULL of Iowa. The statement of the gentleman from Tennessee could not apply to the army, for the reason that some years ago in an army bill—

Mr. GAINES of Tennessee. I said this was in the navy.

Mr. HULL of Iowa. I do not know about the navy, but as I was about to say, we have provided that in such cases as that described by the gentleman from Tennessee, a boy shall be entitled to his discharge.

This bill is to me a very sudden proposition—to change a law that has been on the statute book for a great many years. It may be all right, but I am not sure of it. It is a proposition to relieve all deserters from one of the severest penalties of the law. Now, no man can enlist in the army under the age of 18 unless he commits perjury, because they will not take him unless he satisfies them, either by his own affidavit or the certificate of his parents, that he is over 18 years of age, so that

he is not an immature youth entirely. A great many desertions come from men who have enlisted two or three times, who get drunk, and rather than suffer the punishment for it desert; men of 25 or 30 years of age, many of them.

I do not know how that is in the navy, but this proposition here is to change the law. We of the military have no information on the subject. I do not propose to amend the bill; it at least leaves those that heretofore deserted from the army to take the punishment as the law provided that they should take it. I do not believe it is possible for the Secretary of the Navy to exercise the pardoning power, and therefore I do not believe that that section of the bill is of any benefit. I do believe that the President has power in every individual case that is brought to his attention to pardon a man and restore him to citizenship. The change of law affecting future action, exempting the enlisted force of the navy and the army from loss of citizenship, is effective because it is a repeal of the law to that extent, but when you go further and take from the President, practically, and give to one of his subordinates the pardoning power, I believe that you are going against the Constitution and that your provision of law is not effective.

Mr. KELIHER. Is it not a fact that the President considers these cases and decides them upon evidence furnished by the departments?

Mr. HULL of Iowa. Without doubt. I think in almost every case he would issue a pardon where the Secretary of the Navy recommended it, but that does not give Congress the right to take from the President the exercise of his constitutional power and put it in the hands of a bureau chief.

Mr. GOLDFOGLE. Is not this a modification of the punishment?

Mr. HULL of Iowa. It is a restoration of the rights of citizenship. It is not a remission of punishment.

Mr. ROBERTS. Loss of citizenship is a punishment.

Mr. HULL of Iowa. Certainly.

Mr. GOLDFOGLE. Has not the officer who approved the sentence of the court-martial the right to modify the sentence?

Mr. HULL of Iowa. In minor offenses, in some cases he could. But the President himself can always modify or set aside a sentence of a court-martial entirely.

Mr. GOLDFOGLE. Where the charge is desertion, is it not a fact that the charge may be changed by a finding of the court-martial of guilty of absence without leave or, rather, the conviction might be for absence without leave instead of desertion?

Mr. HULL of Iowa. Of course, but neither the President nor the commanding general would modify a court-martial unless the evidence was sufficient to sustain it.

Mr. GOLDFOGLE. Is it not a fact in many cases that the courts-martial find young men of 18 or 20 years of age guilty of absence without leave?

Mr. HULL of Iowa. Oh, perhaps so.

Mr. ROBERTS. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore (Mr. DENBY). The gentleman from Massachusetts moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question now is on the amendment proposed by the committee.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. ROBERTS, a motion to reconsider the vote whereby the bill was passed was, upon his motion, laid upon the table.

The SPEAKER pro tempore. The Clerk will continue the call of committees.

The Clerk resumed and completed the call of committees.

#### REFUND OF CERTAIN MONEYS TO HAWAII.

Mr. MILLER. Mr. Speaker, by direction of the Committee on Claims which was passed without prejudice in the call of committees, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6145) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6145, and the Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the sum of \$23,393.69 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to the Territory of Hawaii to reimburse said Territory for money paid, laid out, and expended by said Territory in maintaining light-houses, bell buoys, and light-house service on its coasts from the time said Territory became territory of the United States until said light-houses, bell buoys, and light-house service were transferred to and taken under the management and control of the Light-House Board.

Mr. MILLER. Mr. Chairman, this is the unanimous report from the Committee on Claims recommending the reimbursement of the Hawaiian government of the sum of twenty-three thousand and some dollars for moneys they expended from the time they became a part of the territory of the United States until the light-houses, and so forth, were turned over to the Light-House Board. It has the unanimous report of the committee, and also the indorsement of the Department of Commerce and Labor. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. MILLER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly, the committee rose, and the Speaker pro tempore having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6145) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government, and had directed him to report the bill back to the House with the recommendation that it do pass.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MILLER, a motion to reconsider the last vote was laid on the table.

#### INVESTIGATION OF CONTROVERSIES AFFECTING INTERSTATE COMMERCE.

Mr. TOWNSEND. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15447) to provide for the investigation of controversies affecting interstate commerce, and for other purposes.

Mr. ADAMSON. Mr. Speaker, pending that motion, I would inquire if it is necessary to make some arrangement about discussion of the matter in the committee?

Mr. TOWNSEND. O, Mr. Speaker, I do not understand that that is necessary. As I understand it, any gentleman is entitled to one hour's debate, although if it be the will of the House I have no objection to setting the time.

Mr. ADAMSON. I have no objection at all to proceeding in the regular way.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15447.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15447) providing for the investigation of controversies affecting interstate commerce, and for other purposes, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That whenever within any State or States, Territory or Territories, or the District of Columbia a controversy concerning wages, hours of labor, or conditions of employment shall arise, by reason of which controversy the transportation of the United States mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the several States and with foreign nations is, in the judgment of the President, interrupted or directly affected, or threatened with being so interrupted or directly affected, the President may, in his discretion, inquire into the same and investigate the causes thereof, in accordance with the provisions of this act.

SEC. 2. That to this end the President may appoint a special commission, not exceeding seven in number, of persons in his judgment specially qualified to conduct such an investigation. The Commissioner of Labor shall be ex officio secretary of the commission, and shall keep and preserve the proceedings of all commissions appointed under this act.

SEC. 3. That such commission shall promptly organize, and, upon giving reasonable notice to the parties to the controversy, shall, either at the seat of disturbance or elsewhere, as it may deem most expedient, proceed with all convenient dispatch to investigate the causes of such controversy and the remedy therefor.

SEC. 4. That the parties to the controversy shall be entitled to be present in person or by counsel during the investigation and shall be



entitled to a hearing thereon, in accordance with such rules of procedure as the commission may adopt; but nothing in this section contained shall be construed as entitling such parties to be present during the consultations of the commission.

SEC. 5. That for the purposes of this act the commission, or any one commissioner, shall have power to administer oaths and affirmations, to sign subpoenas, to require the testimony of witnesses either by attendance in person or by deposition, and to require the production of such books, papers, contracts, agreements, and documents as may be deemed essential to a just determination of the matters under investigation; and to this end the commission may invoke the aid of the courts of the United States to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents; and for the purposes of this section it shall be vested with the same powers, to the same extent and under the same conditions and penalties, as are vested in the Interstate Commerce Commission by the act to regulate commerce, approved February 4, 1887, and the acts amendatory thereof and in addition thereto, and all acts which may hereafter be enacted amendatory thereof or supplemental thereto; and it shall be the duty of the said courts of the United States to render said commission the same aid, to the same extent and under the same conditions, as is provided by said acts in aid of said Interstate Commerce Commission, and witnesses examined as aforesaid shall be subject to like duties as provided in said acts, but no witness shall be required to give any testimony incriminating himself, nor shall he be given any immunity: *Provided*, That no testimony given by him before any commission or commissioner shall be used as evidence against him in any criminal proceedings in any court, except in a prosecution for perjury committed in giving such testimony.

SEC. 6. That for the purposes of this act the commission may, whenever it deems it expedient, employ one or more competent experts to examine accounts, books, or official reports, or to examine and report on any matter material to the investigation in which such examination and report may be deemed of substantial assistance.

SEC. 7. That having made such investigation and ascertained the facts connected with the controversy into which it was appointed to inquire, the commission shall, with all convenient dispatch, formulate its report thereon, setting forth the causes of the same, locating, so far as may be, the responsibility therefor, and making such specific recommendations as shall in its judgment put an end to such controversy or disturbance and prevent a recurrence thereof, suggesting any legislation which the case may seem to require.

SEC. 8. That the report of such commission shall forthwith be transmitted to the President and by him communicated, with such comments or further recommendations as he may see fit to make, to the principal parties responsible for the controversy or involved therein, and shall be duly transmitted to Congress for its information and action.

SEC. 9. That the commission may from time to time make or amend such general rules or orders as may be deemed appropriate for the order and regulation of its investigations and proceedings and adopt forms of notices and rules for service thereof.

SEC. 10. That the President is authorized and empowered to fix a reasonable compensation, not to exceed \$30 per day, for services, to be paid to the members of the commission from the Treasury at such times and in such manner as he shall direct. The commission shall have authority to employ and fix the compensation of such employees as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of Commerce and Labor. The commission shall be furnished by the Secretary of Commerce and Labor with suitable offices and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation under this act, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission and the Secretary of Commerce and Labor.

SEC. 11. That no commission appointed under this act shall continue for a period of over three months from the date of the appointment thereof.

Mr. WILSON of Pennsylvania. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILSON of Pennsylvania. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON of Pennsylvania. Under what conditions can an amendment be offered to some of the provisions of the bill?

The CHAIRMAN. The Chair will state that this is only the first reading of the bill. It will be read later by sections for purposes of amendment.

Mr. TOWNSEND. Mr. Chairman, I am deeply sensible of the fact that there are times when complainants from all over the country are demanding of their attorneys in fact, the Congressmen, the introduction and passage of bills intended to cure the various real or imaginary ills from which they either suffer or think they suffer, and while I am a firm believer in representative government, and thoroughly convinced of the wisdom of that Congressman who heeds and obeys mature and intelligent public sentiment, yet I am in sympathy with that conservatism which pauses to thoroughly analyze these various complaints in order to determine whether they are the demands of mature and intelligent opinion or the products of doctrinaires, or, what is worse, of aggrieved and disappointed men and organizations who seek the aid of government to accomplish some selfish end.

Since I have been a Member of this House I have at times been impatient at what appeared like procrastination of the National Legislature in dealing with matters which seemed to me of pressing necessity, but when I have considered the magni-

tude of the work that is always before it, the effect of legislation upon existing conditions and institutions, the fallibility of the legislator himself, I have become convinced of the fact that only after mature deliberation on full information should the Government enter that realm which constitutes individual conduct and action. On the other hand, it is the duty of Congress when properly informed to legislate fearlessly yet righteously, in the interest of the people.

It is true that nearly all great measures of legislation abridge the claimed right of some individual or organization. "Thou shalt not steal" enacted into law denies to the thief the practice of his profession. "Thou shalt not" as a legal enactment bars the door of opportunity to every man who would break that commandment. But in the interest of the common good the proclamation is made, and upon its enforcement depend those other rights essential to the general welfare.

The measure which I present to the House to-day is one born of the very necessities of our present industrial condition. It is not a prohibition of any act or right. It is designed to investigate matters of conduct affecting the public, which matters are in the process of evolution and are ethical as well as industrial and not sufficiently developed to admit of positive legislation defining what is right and prohibiting what is wrong.

In the story of the growth and development of the United States nothing is more prominent or of greater importance than those pages which contain the record of industrial life. The student will notice a marvelous change in the relations of capital and labor when he compares the present with any period prior to 1870. Originally there was no general line of separation between the employer and his employee; side by side in the shop and factory they worked. Their families were social equals and their wants and desires were practically common, but as time passed on the master came less and less in contact with his servants. Machinery was introduced and its iron music tended to destroy the gentler tones of human sympathy. As business grew, the overseer and superintendent met the men more frequently than did the proprietor, and after a while the only time the workman saw his employer was when the latter rode in liveried splendor through the streets. In time the laborer came to believe that his interests were hostile to those of his employer. A condition arose under which men were measured by units of horsepower, and the workman knew little of the business in which he was engaged except that covered by the particular machine about which he revolved. Under the excuse of cheapening the cost of production manufacturers combined in an effort to produce under a common management, and the greater the combination the wider became the distance between master and servant. Complete combinations have not been made, but the tendency is in that direction, and when the factory on the Pacific coast is controlled by the director in New York not only will a continent intervene between master and servant, but a distance as wide as that between the poles will separate their sympathies and desires.

Combinations of capital have compelled the organization of labor, and individual action on the part of either employer or employee is becoming more and more infrequent. That capital has certain rights necessary to its existence can not be successfully denied. That labor has a right to a fair share of the value it creates, I assume is equally true. In its efforts to obtain these conceded rights each of the parties, through organizations, at times demands more than its just share, and not infrequently both parties claim what is unreasonable and unjust. If in all cases of disputes the parties directly involved were the only ones affected, the Government might well wait until the relations between capital and labor were sufficiently established to admit of law enactments defining what has been found to be right and prohibiting violations thereof, but there is another and larger interest than that represented by the contending parties. I refer to the general welfare, and the more complete the combination of capital, the more general the organization of labor, the more serious may be the injury to the public in cases of lockouts and strikes.

Labor troubles during recent years are so fresh in the memories of all as to revive the suffering and loss to the people, over which they had no control and under which they were helpless to protect themselves. The anthracite coal strike of 1902 is a case in point. A large portion of the anthracite coal mines were closed for months as a consequence of a strike by their employees. Labor contended for certain conditions and wages, to which it insisted it was entitled, and capital refused to concede these demands. As a result, factories and shops, schools and churches, homes and public places were denied the fuel which to them was the "bread of life." Business men grew old under

the weight of suspense, women and helpless children suffered from the freezing cold; in many localities, driven to despair by lack of fuel, people became what the law calls "criminals" by taking coal from cars by force. Millions of dollars were lost irretrievably to business, and the innocent suffered everywhere. Coal operators lost heavily, but the enhanced price of coal to consumers partially compensated this loss.

Labor formerly employed by the suspended collieries were denied their wages for months, and they and their families suffered greatly, although other laborers contributed somewhat of their earnings and savings to relieve such want and suffering, but some one paid the loss. After months of suspense and distress public sentiment became so much aroused that the President felt it his duty to intervene and demand a settlement. He succeeded finally and after great effort in inducing the contending parties to submit their differences to arbitration. A compromise was the result, order was restored, and industry was revived. These conditions were not secured, however, until law and order had been disturbed, the general welfare opposed, and disaster inflicted upon the people. No principle was established beneficial to either of the parties in the controversy as a result of the strike except such as were brought about by the arbitration. Had the commission been called into existence under authority of law at the beginning of the strike untold misery would have been averted and millions of dollars would have been saved to the people.

The recent telegraphers' strike, of regrettable memory, would have resulted in less disaster to the public had a commission been authorized to secure and publish the causes, but great as were the injuries of this strike to the people they were insignificant in comparison with what they might have been had the telegraphers been better organized. That they will effect a stronger organization in the future there can be no reasonable doubt.

I could cite many more cases if it were necessary, but gentlemen will recall them without suggestion from me.

It is sufficient to state that during the twenty-five years from 1881 to 1905, both inclusive, there were in the United States 36,757 strikes, involving 181,407 establishments; 6,728,048 strikers and 8,703,824 employees were thereby put out of employment. Sufficient facts are not at hand, and my imagination fails to estimate the loss to capital and labor by these disturbances. The bureaus of Government have no means for measuring the pains of want and suffering, neither is it possible to calculate shocks to the Republic caused by tyranny and disorder. We know that millions of dollars have been lost to those directly involved, and billions more have been denied to a helpless public.

I am not suggesting that the pending measure would affect any considerable number of the class of strikes included in the above list, nor do I wish to be understood as saying that all strikes are unnecessary under our industrial conditions, nor do I for one moment believe that much good has not been the result of many strikes. The direct object sought by the strike has not frequently been obtained, but the progress of labor has been almost continuous, and out of conflict its rights have been gradually evolved.

I would not invoke the commission except in cases where the public welfare is greatly involved, and then not to the detriment either of honest labor or honest capital, but for the good of the people, of whom the laborer and the employer are parts.

This bill practically as it is now was reported to the Fifty-ninth Congress. Opportunity for a full hearing was given all organizations of capital and labor; indeed, they were invited through the press and many of them by personal letters from members of the Committee on Interstate and Foreign Commerce. Mr. Hal Smith, of the Michigan Manufacturers' Association; Mr. Garfield, Secretary of the Interior; and Mr. Neill, Commissioner of Labor, appeared before the committee. Seth Low, of New York; Professor Clark, of the Columbia University; and Charles Francis Adams, of Massachusetts, wrote letters commending the principles of the bill. In fact, all who expressed themselves favored this or a similar measure, with perhaps the possible exception of Mr. Smith, from Michigan, who stated that he had had much correspondence with the members of his organization and all had been favorable to the measure, unless it should be construed to mean that the commission would be inclined to investigate the private affairs of every concern having troubles, no matter how small.

I was particularly careful to send notice to either the secretary or president of all the leading labor organizations. Furthermore, Mr. Fuller, the accredited representative of four national railroad employees' organizations, was present at the hearings before the committee having his bill in charge on Tuesday, January 15, 1907, and was asked if he, as a representa-

tive of his organizations, desired to be heard, and he testified as follows:

Mr. FULLER. I would say, Mr. Chairman and Mr. TOWNSEND, that I represent the brotherhoods and employees, but we have not taken any proceedings in this matter, and therefore I do not want to have anything to say in regard to it.

Mr. STEVENS. You think your people are covered by other legislation—the arbitration act passed some years ago?

Mr. RICHARDSON. The Phillips Act?

Mr. FULLER. We have simply not taken any position on this particular bill.

The CHAIRMAN. Have those organizations been advised by you, Mr. Fuller, that this legislation is pending?

Mr. FULLER. Yes, sir; and I understand they have been advised by Mr. TOWNSEND also. If you will excuse me, I will state that the executive heads of the organization which I represent are busily engaged now, as you doubtless all know, with the wage question in the western country, and it is a very hard matter for them to get into another question at the same time. They have been acquainted with the fact that this bill had been introduced and that hearings will be held upon it.

Mr. MANN. Would they want to submit their side of the wage question to a commission appointed by the President, or do they prefer to make that contest themselves?

Mr. FULLER. Well, Mr. Chairman and Mr. MANN, I would not care to go into any discussion of the matter at all.

Mr. KENNEDY. I suppose, Mr. FULLER, unless the union you represent act upon the matter pending you are not authorized to take any position yourself independent of their instructions, are you?

Mr. FULLER. Well, I am, yes; if I thought proper.

Mr. RICHARDSON. I thought, Mr. Fuller, that you were acting in a representative capacity for your organizations here, and that you advise them what you think, do you not?

Mr. FULLER. Of course I express my opinion as to legislation; yes, The CHAIRMAN. Mr. Fuller, I want to ask you, you represent as I understand it, four labor organizations, national in their character?

Mr. FULLER. Yes, sir.

The CHAIRMAN. Now, have you informed those organizations of this pending legislation so they are informed that the matter is pending here?

Mr. FULLER. Yes; I have already stated that I had.

Mr. RICHARDSON. Have you given them an opinion, if I have a right to ask, about this?

Mr. FULLER. I have. If you gentlemen will excuse me, if we are going to take any position on the bill we will express it, but unless we do that, I do not care to have anything to say. (Hearings, on pp. 21 and 22.)

And again on the same day Mr. Fuller, at the close of Mr. Smith's statement, volunteered the following (p. 26):

Mr. FULLER. Mr. Chairman, if you will allow me to say a word without going into the details of the matter, I would like to speak a word, in view of the statements made by the gentleman, that while we have taken no position upon this, we do not want to be understood that the public has not a right to protect itself. If the gentleman's association feels that way, I want to say that they are dissimilar to our position in regard to it. The absence of our testimony or our argument to this bill does not necessarily mean that the public has no voice or should have no voice or interest in these troubles. On the contrary, we think they have.

Mr. BARTLETT. You represent an organization that is peculiarly associated with the public utilities. That is true, is it not?

Mr. FULLER. We think ourselves, Mr. Chairman, that so long as individuals can settle their difficulties and do it right, and the public does not suffer unduly, it is better to have it done that way. I believe we all agree as to that. I believe the best government is the government that governs the least; but there may come a time when that can not be done, and the public have an interest in it, and we feel the public have a right in these cases to ask Congress for legislation, regardless of what we or our opponents feel.

Mr. RICHARDSON. You do not believe in compulsory arbitration?

Mr. FULLER. No, sir. Compulsory arbitration is a misnomer. It would mean slavery to the working classes of the country.

Full, free, and unlimited opportunity was given to every man to be heard on the bill. Sound and convincing reasons were presented showing the wisdom and necessity of the legislation. The bill was reported late in the session more for the purpose of getting the matter before the country than with the idea of enacting it into law in the Fifty-ninth Congress.

At the beginning of the Sixtieth Congress I introduced the bill reported to the last Congress, and after long consideration by the Committee on Interstate and Foreign Commerce, during which several amendments were made, I introduced on January 28 last the amended bill, and on February 3, 1908, it was reported to the House, and is now before us. Until February 3, the day the bill was reported, no one appeared before the committee in opposition to the measure, and on that day nothing was addressed to the committee, although one Member read portions from a personal letter to him from a celebrated labor leader showing that the writer had objections to the bill.

The bill is here and is intended to supply a remedy from possible, nay probable, intolerable wrongs to the public.

It provides that in cases of great disturbance between employer and employee involving great federal rights, and in cases where such disturbances are imminent, the President may appoint a commission of qualified men, not more than seven in number, to investigate the conditions, with a view to determining in a fair and impartial manner the cause of the same, and to make such suggestions as to a remedy as the determined facts will warrant. Provision is made for taking testimony which shall be made public. A report is made to the President, who transmits it to Congress.



This is not compulsory arbitration, for neither party is legally bound to abide the decision of the commission. It is compulsory only as public sentiment makes it so. The commission is temporary. It can exist only for three months. A new commission will be created for each new occasion; and this is wise, for a commission qualified to hear and determine one case might not be the best to investigate another. That a commission would be more effective than the same power exercised by a bureau officer there can be, it seems to me, no possible question. Furthermore, this power conferred upon a bureau would necessarily weaken the department.

There is no existing law which may be applied in all cases that might come under the proposed law. The Erdman or Phillips Act of 1898 applies only to railroad controversies, and can only be invoked at the request of one of the parties. The people have no voice in the controversy, no matter how long the disturbance may be protracted, no matter how much the public welfare may be injured. It is clear that neither party would care to invoke the commission, lest such action would be taken as a confession of weakness. Great strikes are coming to be contests of physical and financial endurance, in which the weaker, whether right or wrong, must eventually surrender. With capital combining extensively until it shall comprise practically all of a given industry, with labor organizing to include a large portion of the skilled workmen, who can foresee the awful consequences which may come to the country in a blind, selfish struggle for supremacy between these forces? Must the people sit by and watch a contest destructive to their most sacred rights and be powerless to act even in self-defense?

The Bureau of Corporations has no power to reach these controversies, and was not created to deal with them. Its usefulness would be destroyed if it attempted to perform the work conferred by this bill upon the commission.

Some few manufacturers, actuated by the desire to crush out all labor unions, may be opposed to the pending measure. They believe that they can combine all capital in opposition to the closed shop, and through the tortures of cold and hunger can finally accomplish their desire. Certain labor leaders, who care more for their high-salaried jobs than they do for the actual welfare of the laborer, insist that labor unions are soon to be strong enough to tie up all industry until it shall grant these leaders every demand. In other words, tortures worse than those of the Inquisition, destruction worse than that wrought by pestilence or panic, are to be brought upon the country and its people in order to settle some dispute which frequently needs but the sunlight of publicity in order that it shall be dispelled.

The great mass of employers, the great army of wage-workers, as well as the great majority of labor leaders are honest men. They want only what is right. The proposed bill would enable the right to prevail and that without violence or want or suffering.

The value of the measure will depend upon the infrequency with which it will be used. No President will dare to create a commission unless the necessities of the country demand it. The findings of the commission would not be binding upon the parties unless such findings were righteous, and then public opinion alone would enforce the judgment.

Whenever the conditions suggested by me shall arise the matters will be investigated as they have been in the past, and for myself I prefer to have such investigation made under authority of law, whereby principles of lasting importance may be established and enduring progress made in industrial conditions rather than force the innocent to suffer until a condition similar to a state of war shall finally compel the President without warrant of law to intervene in the interest of life and property.

Honest organized labor has nothing to fear. Its cause is just, and public opinion is with it. I know of no great controversy in recent years where, so far as the causes have been made public, a commission would not have been highly beneficial to labor. Organizations of labor are not afraid of hostile legislation. They are persistently before Congress asking for laws in their interests. Some of the greatest questions to be brought before the Congress in the coming years will be those urged by labor. Is it not of the highest importance that its demands shall be just and that it shall have the approval of an intelligent public sentiment? Under recent court decisions labor has lost ground which it has heretofore occupied as a matter of right. It will need public approval to regain such ground and to make further advancement.

I believe that labor can afford to court the widest and freest investigation. It may result in changing some leaders, but the change will be highly beneficial.

The demagogue, whether as a leader of organized labor, a ward heeler, or a member of Congress, is the worst enemy that labor has to-day. He exploits it for his own selfish ends, and you take away its support and he will reveal himself as its open enemy instead of its secret foe.

But, Mr. Chairman, whatever may be the effect upon employers and employees, it is our duty to legislate for the people. Special interests, however powerful, must, if needs be, give way to the public good. Neither capital nor labor would be safe under a government controlled by any other principle.

When the public good is seriously threatened or actually invaded the people have a right to be heard in their own cause. They have a right to know why necessities of life are denied them; why their business is ruined; why their loved ones are made to suffer; why their very government is threatened. Under such conditions strikes have passed beyond the confines of labor organizations and combinations of capital and have entered the realm of the general welfare.

Mr. Chairman, he is blind indeed who does not see the signs of the times and deaf who does not hear portentous rumblings.

I am informed that great coal-mine operators are storing up a year's supply of coal, to be held for an emergency. Other captains of industry are guarding against possible great contingencies. Labor will soon be so organized and captained that half a dozen men can put out every fire of certain great industries, stop the wheels of every locomotive, and silence every keyboard in the United States. One year ago the country did not know how nearly it came to experiencing the tying up of every railroad west of Chicago. Let a strike come to the coal miners again and the operators can sell their surplus to the public, but it will be at a price beyond the reach of the poor and unjust to all. The agreements between coal operators and employees will expire shortly. We should act now.

Let us pass this bill, and he whose cause is just will have no reason for fear, but he who imposes unjust conditions or exacts what is unreasonable will hesitate to be exposed to public disapproval, and hence will yield to compromise rather than be forced into submission by popular opinion.

We simply ask by this bill for fair, just, and impartial publicity of those causes which bring disaster to the people whom we serve.

Mr. Chairman, this bill, as I have said before, had the serious consideration of our committee. It was not rushed through, but was before the committee not only in the Fifty-ninth Congress, at which time the widest publicity was given and the greatest and most general invitation extended to all interested, but we took it up again in the Sixtieth Congress. I myself believe that this is in the interest of the people, and that we as their representatives can afford to do nothing less than protect their interests to the utmost of our ability. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. ADAMSON. I shall ask, Mr. Chairman, to print as a part of my remarks the views of the minority.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to print as part of his remarks the views of the minority of the committee. Is there objection? [After a pause.] The Chair hears none.

#### VIEWS OF THE MINORITY.

We do not agree with the majority of the Committee on Interstate and Foreign Commerce in the report on the bill "To provide for the investigation of controversies affecting interstate commerce, and other purposes."

The bill in effect practically results in compulsory arbitration. It relies upon a manufactured and unsafe opinion, induced by circumstances, to coerce a party into submission. We earnestly believe that under our republican form of government any kind of force in the long run is less effective in producing desirable results in controversies or strikes than voluntary consultation and deliberation. We believe that the best results achieved in matters embraced in this bill is by an appeal to reason and a fairly formed public opinion and not to the powers of a commission bristling with penalties and fines.

Power given in section 6 of this bill to the commission to appoint "experts with authority to examine accounts, books, or official reports, or to examine and report on anything material to the investigation in which such an investigation and report may be deemed of substantial value" is too broad, and is undoubtedly inquisitorial in its character. No legitimate and lawfully conducted business would be free from the searching examination of its private business affairs. It would be a dangerous weapon in the hands of a rival to destroy his competitor in business.

The sophistry of the bill is manifest in this: That the President should invoke the power given him when a controversy or dispute arises which affects "the transportation of the United States mail." It is known to everyone that the statutes of the Government are most ample in power and in penalties to guard against any interference with the transportation of the United States mails. Any interference with the movement of our mails, as has been demonstrated in the past few years of the history of our country, by controversy, strike, or otherwise, can be promptly and efficiently met by the strong arm of the Government. The President needs no commission to advise him when the "civil or military" operations of the Government are being interfered with or interrupted.

We object to the bill because in theory it proceeds upon false premises. We do not believe, as the bill contends, that all controversies and strikes are unjustified, wrong, and unnecessary. No one can hardly be found who will contend that all disputes, controversies, or strikes between employers and employees are unnecessary, unjustified, and without beneficial results, but yet this bill provides in section 7 that the commission appointed by the President should recommend such legislation as will "put an end to such controversy and disturbance as will prevent a recurrence thereof, suggesting any legislation which the case may seem to require." If the strike and controversy was of benefit, as certainly is the case sometimes, then why invoke legislation to prevent a "recurrence?"

We contend that ample authority and provision to make investigation and develop facts in connection with controversies and disputes provided for in this bill is vested in the Commission of the Bureau of Corporations, in the Department of Commerce and Labor, and there is no occasion to duplicate this work and expenses incident thereto when ample authority under the statute already exists.

We contend that while in name this bill does not appear to favor compulsory arbitration of disputes between employer and employee, it is intended to accomplish that result and might as well bear the title.

We do not see how Congress has the power to grant to a commission, not judicial in its nature, and which commission is not given any authority or power to render judgment between parties interested, but simply to investigate the facts and report them to the President, can invest such a tribunal with power and authority to compel the attendance of witnesses and to apply to the courts of the country to enforce its purposes. The bill does not give the commission power to enforce its process or purposes by summons or subpoena of itself, yet the bill does give the commission power to ask aid of the United States courts so to do. We do not believe that the court under the Constitution can be given the power to exercise such prerogatives as this, which means the forcing of individuals or artificial persons, whether employees, employer, or employers, to submit to an investigation at the hands of such a commission, which is not judicial and which is not clothed with any power by the Congress. If this can be done, then there is no unbridled length to which Congress may not go in interfering with or investigating the individual affairs of the citizens of the country.

This bill, if enacted into a statute, will be detrimental to the exercise of the prerogatives of the courts of the country.

We contend that the fundamental idea prevailing on the subject of arbitration or conciliation of differences between parties is the idea of voluntary submission, not forced submission, either directly or indirectly. Whenever parties in a civilized community can not by themselves adjust their differences or have them adjusted, then the only tribunal in a government of law and order that should determine the difference is the courts of justice in our country.

The authority given the commission under this bill applies as much to disputes about wages or other differences arising between parties engaged altogether in agricultural pursuits as it would apply to a strike similar to the Pullman strike which took place some years ago or to the anthracite strike of 1902. It can readily be comprehended how a dispute arising between the farmer and his laborers about wages could fall under the jurisdiction of the commission provided for in this bill, because it could be easily demonstrated that the products of the farm enter into the interstate commerce and constitute a part thereof.

One of the greatest evils menacing to-day the peace of the country is federal and state interference with the individual rights and interest of the citizen. It is to the best interest of the people that the Federal Government should not invoke its authority except on well-defined, well-established lines looking to the preservation of peace and the interest of the people throughout all the country.

R. C. DAVEY.  
W. C. ADAMSON.  
WILLIAM H. RYAN.  
WILLIAM RICHARDSON.  
C. L. BARTLETT.

#### VIEWS OF MR. LOVERING.

The bill reported by the majority of the committee, in that it practically provides for compulsory arbitration, threatens the personal liberty, which under the Constitution is the inalienable right of every American citizen.

Neither employer nor employee calls for such legislation.

When a controversy reaches such proportions as to be a public menace there is already law enough and executive power enough to meet the situation.

The bill looks to further indefinite legislation with the purpose of compelling submission to the findings of a commission.

I therefore respectfully dissent.

WM. C. LOVERING.

Mr. ADAMSON. Mr. Chairman, the minority of the committee differ and dissent from the ideas so ably presented by my distinguished friend and colleague from Michigan, representing the majority of the committee. His initial assertion that it is not compulsory arbitration is challenged outright by us. It is a provision that, without the consent of any persons interested in the controversy, a commission may be created in the discretion of the President, and that all parties shall be compelled to submit to an investigation by that commission and submit books, papers, business secrets, details, and everything else to its investigation. They are compelled to do that. If a party sees proper to absent himself from the sessions of the commission, he may do so, provided he produces everything called for by the commission; but the investigation goes on, nevertheless, and his interests suffer if there is to be anything detrimental to his interests in that investigation. Now, peace and harmony are beautiful conditions in domestic, social, and political life, whether in the family, in society, or in the State.

A good method to secure them is that blessed old resort known throughout the ages as "Accord and satisfaction." When men drawn together by mutual concession and mutual discussion agree upon their differences and establish concord, substantial and lasting, a high state of satisfaction is secured. Arbitration has often been resorted to as a substitute for litigation

in the courts. Human experience has established that when you fail in your efforts at "accord and satisfaction," the proper course is to rely on the justice of your fellow-men—the established courts of your country—get your lawyer and go squarely into the fight. Then you have been tried by properly constituted tribunals. Then you are forced ultimately to abide by the result, because as citizens of your country you have originally consented that you will do that. Now, Mr. Chairman, the proposition in this bill is that something should be done to which you have never consented and may never consent—that the Government of your country, the President of your country, may appoint a tribunal to investigate your case, report and make public its findings, and recommend legislation about it, regardless of your wishes or presence.

Admitting as my friend from Michigan in the report of the committee, and in his argument does admit, that the finding ought not to be enforced by compulsory judgment, he enters into a beautiful laudation of the power of public opinion, a greater and more powerful method, he thinks and will tell you, than any enforcement of the finding by process of law. He proposes after having compelled these laborers in any sort of dispute as to wages or condition or treatment or anything else to submit to this inquisitorial investigation against their consent, and then while he beautifully says it is not compulsory arbitration, the report is to be made to the President, to Congress, given to the country, to the press, and the people; and you have only to look at his own powerful description of the powers and terrors of public opinion to agree with me that it is compulsory arbitration of the most conclusive character. There is in this whole thing a line of differentiation which, with my little knowledge of law, I can not understand and I do not believe any other man with my limitations can understand it, and that is that a man because he is laboring in any line of life that touches interstate or postal affairs should be subjected to a different principle or rule of government and action to that applicable to him in any other line of business.

If he is in any business not touching interstate commerce or postal affairs, this inquisitorial proceeding would be wrong; but if he is hired to do work in this capacity or to the Government itself in postal affairs, then he must submit to this proceeding. Mr. Chairman, the character of employer is just the same when the Government employs a man as when the humblest citizen in the United States employs him. The relation of employer and employee exists no matter what the official or corporate character of one or the other may be, and the principles which regulate the conduct and agreement and settlement between them should be precisely the same, whether one be the Government of the United States and the other the humblest citizen in the land and whether it be local or domestic business in any community or whether it affects the commerce between the States of the Union. The jurisdiction may be affected and differ under different conditions, but the rights and principles are the same. If the conditions are to be changed, the fundamental principles of law to be overturned by this mad craze to try to make interstate commerce and postal service a pretext for interposition in all the affairs of mankind, the result will be that men will not go into these occupations.

If they are to lose their freedom, if they are to be deprived of their consent and volition, if the conditions are to be changed under which they work and settle and contend for their rights, then men will avoid these employments, and their initial employment, if ever secured, will command higher wages, and in that sense only would it be beneficial to the employed. But, Mr. Chairman, under this bill the minute he goes to work, although it may be at a munificent salary, it may be reduced immediately, and if he resists he may be subjected to this investigation, and he is deceived and fooled into slavery. Now, Mr. Chairman, my good friend says there is to be no process of law to enforce the judgment. It either means something or it ought not to take up the time of this House and the country. If it does not mean to effect what it is aiming at, if it does not mean to suppress these differences, if it does not mean to adjust or dispose of them, there is no sense in it and there is no use for it. By what means does it propose to do it? This commission reports to the President and suggests further legislation. If popular opinion does not intimidate the party into submission, then popular clamor following the recommendation of additional legislation, and the publicity that my friend lauds so much will demand that as the next step in the iniquitous proceeding Congress will pass laws seeking either to enforce the finding or prevent a recurrence of the trouble. If it does not mean that, it does not mean anything on earth.

Where parties fail to agree for the good of the public I favor arbitration, especially in matters largely affecting the public,



but it is not proper to force American citizens against their will to submit their disputes to the investigation of anybody. I would be glad to vote for a law in harmony with the platform of my party and the legal experience and practice of mankind providing for the voluntary submission to arbitration of all disputes subject to federal jurisdiction. Then, when the award is made it should be enforced by law under the power and authority of the courts, just as is now done and as always has been done in the States and in civilized countries since the reign of law began. To force a party into an investigation, compel him to disclose his hand, and expose to the public the secrets and details of his conduct and business would be an outrageous innovation on legal procedure; a cruel travesty on the use of governmental functions, and it would only aggravate the cruel injustice to say that it is not a legal proceeding, but only gathering the news. I would not consent to exposing a party to the public gaze through a forced investigation and then leave him the victim and prey to popular fury and yellow journalism any more than I would consent to lynch law. We already have law enough to authorize adequate investigation. If we want to provide for arbitration, let us do so according to the principles of justice and the methods approved by the legal precedents and the experience of mankind.

This scheme does not possess the merit nor wear the garb of honesty and candor which characterize the old proceeding to "secure discovery" in aid of other remedies.

Mr. CHAIRMAN, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed ten minutes.

Mr. ADAMSON. Mr. Chairman, I have another matter in which I am engaged, and to which I must give my attention, and I wish to transfer to my colleague on the committee, the gentleman from Alabama [Mr. RICHARDSON], the balance of my time.

Mr. PRINCE. Before the gentleman yields the floor I would like to ask him a question. On page 10 of the report, under the "Views of the minority," I find this language:

We contend that ample authority and provision to make investigation and develop facts in connection with controversies and disputes provided for in this bill is vested in the commission of the Bureau of Corporations, in the Department of Commerce and Labor, and there is no occasion to duplicate this work and expenses incident thereto when ample authority under the statute already exists.

I wish the gentleman would state more fully than he does in his views, if that paragraph is in accordance with the facts and with the law now on the statute books.

Mr. ADAMSON. That is our understanding, Mr. Chairman. We had the statutes before us at the time. We were settled in the opinion that that statement is substantially true. I have not those documents before me, but my friend from Alabama [Mr. RICHARDSON] and the gentleman from New York [Mr. RYAN] will read from the provisions for the satisfaction of the gentlemen of the committee.

I understand, Mr. Chairman, that any gentleman who gets the floor will be entitled to an hour, and I wish to yield to the gentleman from Alabama the balance of my time in addition to his own. Other gentlemen have also signed the dissenting opinion, and I will be glad if they would also discuss the subject.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] having yielded the remainder of his time to the gentleman from Alabama [Mr. RICHARDSON], the gentleman from Alabama is recognized for forty-nine minutes.

Mr. RICHARDSON. Mr. Chairman, I am entitled to an hour by reason of my being a member of the committee.

The CHAIRMAN. The gentleman is entitled to forty-nine minutes yielded to him by the gentleman from Georgia [Mr. ADAMSON].

Mr. RICHARDSON. He yielded me his own time, and that is in addition to the time to which I am entitled as a member of the committee.

Mr. TOWNSEND. I understand that can be done by unanimous consent. I want the gentleman from Alabama to have all the time he needs, but I do not imagine he will want an hour and forty-nine minutes if every other man is going to talk on the same subject.

Mr. RICHARDSON. I think the gentleman from Michigan [Mr. TOWNSEND] made the statement that each member of the committee is entitled to one hour. That is all I am claiming for myself.

Mr. ADAMSON. With that understanding, I yielded to the gentleman the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. RICHARDSON] for forty-nine minutes, yielded to him by the gentleman from Georgia [Mr. ADAMSON].

Mr. RICHARDSON. Mr. Chairman, probably a very brief reference to the history of this bill might be of some service in

connection with the very recent past. This bill, as I look upon it, is one of the most important, far-reaching, and dangerous bills that we have had for consideration before the House of Representatives during this Congress. I believe its inevitable result, if enforced, will be to invade the domain of the inherent and inalienable personal liberty of the citizen. Thoughtful and patriotic citizens, without regard to party lines, throughout our country are now disturbed at the marked legislative strides made in this direction by the Congress. The bill was reported favorably by the Interstate and Foreign Commerce Committee of the House, and on the 3d day of February, 1908, was referred to the Committee of the Whole House, and was in the hands of our distinguished friend, the gentleman from Michigan [Mr. TOWNSEND], to be called up with all the privileges that the Interstate Commerce Committee could give it. The first session of the Sixtieth Congress adjourned on the 30th of May last. The bill was ready for submission nearly three months. Probably it was not deemed judicious, from a Republican political standpoint, to call this bill up at that time before the adjournment of the first session of the Sixtieth Congress. I know that I was insistent to a reasonably proper extent that this bill should be acted upon before the presidential election. It could have been acted on, for during that period a majority vote would have suspended the rules and passed the bill. It is brought up now; and for that reason I contend that the bill in all of its phases should be carefully investigated; thoroughly looked into. It is most carefully framed, but a study of the different sections will disclose its ultimate purpose.

I believe that the bill is entering a field of legislation that leads to compulsory arbitration. If it is not that, in my humble judgment, after as thorough and careful analysis as I am able to give it, it means nothing. Compulsory arbitration, as we know, to investigate labor matters has been experimented upon in other countries, monarchical in their form of government, and has practically and substantially proved a failure. The bill, if it is examined, in its first section is "to authorize the President to inquire into and investigate a controversy concerning wages, hours of labor, or conditions of employment." I especially call the attention of every man listening to me on the floor of this House to the extent to which the inquiry into the "conditions of employment" is limited. Where is the ending of it? Does not "conditions of employment" apply to every vocation of every American citizen in this great Republic of ours, controversies relating to conditions of employment, hours of labor, that may interrupt or threaten to interrupt the movement of commerce among the States or the civil or military functions of the Federal Government?

What character of business is there in this country, what factory, what enterprise, that makes any product that does not enter more or less into interstate commerce? The miner who digs the coal in the bowels of the earth, the farmer who raises wheat and cotton, their products enter directly into the channels of interstate commerce. It is not denied that the investigation provided for by the bill is arbitrarily made by a commission consisting of seven men, to be appointed by the President, whether the parties to the controversy request or advise such investigation. It starts out arbitrarily. It does not make any difference what the parties are contending for, what the character of the controversy is, what business it arises in, under this bill the President can order an investigation, provided interstate commerce may be directly or indirectly affected. It makes no difference what the subject of dispute is; it makes no difference how easily these men could sit down by the side of a table and settle it themselves; the President has arbitrary power to send that commission and order an investigation. No man, not even the gentleman from Michigan [Mr. TOWNSEND], or any gentleman who has given attention to the scope of this bill, will deny that such authority is given the President. The answer is, that it is preposterous to say that the President will use his authority for such a purpose. It is the highest duty of the American Congress in the enactment of laws touching the personal rights of the citizen to write in plain words the exercise of power.

I contend, in addition to that, Mr. Chairman and gentlemen of the committee, that practically and substantially every requirement in this bill that is needful and proper is met to-day in the provisions of the law regulating the Bureau of Corporations and the Bureau of Labor under the jurisdiction of the Department of Commerce and Labor. This bill was a long time before the Committee on Interstate Commerce, with many hearings and many men before it. It raises great questions, among them, the important questions relative to the rights of States, which in its proper conception and proper standpoint ought to be inquired into by this House by both Republicans and Democrats.

I can not better explain my views than to read from the hearings to show you what kind of "suggestions" this bill brings up, carefully shaded, after being thoroughly studied, and adroitly hiding its real meaning and its real poison throughout the whole thing. Mr. ESCH asked this question, a very important one. (Hearings, p. 43:)

This bill authorizes the commission so appointed to recommend remedial legislation. In your opinion is that an advantage or a disadvantage, in view of the fact that the recommendation for legislation might be out of harmony with the existing state law?

Mr. GARFIELD. That would be for the members of each commission to see to—how far they ought to make recommendations of that kind; and I can see no disadvantage in authorizing the report to Congress of their recommendations. There, again, it would be for Congress to determine how far they would seek by federal legislation to affect conditions that are now controlled by state legislation. The principal subject that would be so touched would be what comes under the definition of police powers.

Mr. ESCH. If that sentiment was strong enough, then it might result in a change of a state law?

Mr. GARFIELD. It might, very readily.

Does not the answer of the Secretary of the Interior, Mr. Garfield, impress the members of the committee with the dangerous tendencies of this bill and its unlimited power—dependent only on the discretion of one man, the President of the United States, together with the commission he may select?

Mr. MANN asked some questions along that line, that pending before this House was a proposition to investigate child labor by the House of Representatives, and a proposition to investigate the subject of the labor of women in industrial employments, and the proposition to investigate the length of hours of labor in different parts of the country. (Hearings, p. 43-44:)

Mr. MANN. We have pending here before us a proposition to investigate child labor—in the House of Representatives—and a proposition to investigate the subject of the labor of women in industrial employments, and a proposition to investigate the length of hours of labor in different parts of the country, and so forth and so on. Now, would it be possible, under this, if the administration desired to appoint a commission to investigate a subject, to take advantage of any little strike somewhere and appoint a commission which, in order to arrive at a conclusion in that case, would feel that it was necessary to investigate the whole subject-matter without the direct authorization of Congress?

Mr. GARFIELD. I do not see anything in the bill that states the exact scope of the questions that might arise. That, necessarily, as I understand, in this measure is left to the discretion of the President and the commission, and it is quite true that there might be what you call a fictitious case presented if an administration saw fit to attempt to make an investigation of that kind.

Mr. MANN. Would it not be quite probable, in the event that some case did arise somewhere involving any of these questions, that in order to settle that particular case, and possibly to present recommendations to Congress, the commission would not only feel it desirable but necessary to investigate that whole subject-matter?

Mr. GARFIELD. If necessary I think they ought to make the investigation. If it were a question of desirability, that would have to be left to their discretion.

Mr. MANN. So that a bill like this might start half a dozen commissions into being to investigate any subject in connection with manufacturing or labor?

Mr. GARFIELD. If there were difficulties between employers and employees.

Mr. MANN. Of course there are always difficulties somewhere.

Ought a bill to become a law authorizing the exercise of such vital powers, inimical to the citizen in his business matters, in the hands of a commission? Mr. Garfield says that there is nothing "in the bill that states the exact scope of the questions that might arise." The fact is that it is left to the President to apply the provisions of the bill as he chooses and as often as he pleases, with as many commissions operating in different sections of the country as the President thinks are required. I hope, Mr. Chairman, that I do not overdraw the practical workings of the potentialities of this bill. It is not my purpose to do so, but as a citizen I look upon the possibilities of the exercise of unrestrained authority under its provisions with sincere alarm. I frankly differ with the earnest advocates of this bill.

Again I want to read to you from the hearings, pages 45, 46, and 47. Our good and distinguished friend from Iowa [Mr. HEPBURN], chairman of the Committee on Interstate and Foreign Commerce, put this question:

Suppose that condition described in section 1 of this bill exists. Do not the Bureau of Corporations under the present law have the power to do everything in the direction of securing publicity that is provided for in this bill?

Mr. GARFIELD. As far as corporations are concerned, without doubt it has.

Then, if the law as it exists to-day is sufficient to regulate the evil operations of "corporations," then what other matters are to be brought under federal scrutiny and investigation?

The CHAIRMAN. Following out that line of questions, what is there lacking in the present law that in any way stops or checks or limits the power of investigation upon the part of the Commissioner of Corporations?

Mr. GARFIELD. Nothing whatever.

The CHAIRMAN. Here is a condition that is described in the first section of the bill: "The commerce of the United States is interrupted. In the investigation of that matter would you not have the right, as

Commissioner of Commerce, without regard to questions of labor—although questions of labor were involved also—to investigate that matter and give publicity to the causes of that interruption?"

Mr. GARFIELD. I have no doubt but that that can be done by the Commissioner of Corporations.

The CHAIRMAN. And in that way bring about or exert this moral influence?

Mr. GARFIELD. I have no doubt that that can be done under the law.

The CHAIRMAN. Under the law to-day?

Mr. GARFIELD. Yes.

The CHAIRMAN. Do you think the report of a special commission, appointed for the specific purpose, would have a greater influence in forming correct public opinion in regard to disputes than the accomplished, efficient officers who are appointed under the interstate-commerce law would have?

Mr. GARFIELD. So far as the corporate end of it is concerned, I think there would be little or no difference between them. Probably the report of the Commissioner of Corporations would have more weight than the report of a special commission, if the office were properly organized.

I have read those extracts from the hearings before the committee in order to get as far as I am able to get before the mind of this committee the danger that lies lurking in this bill. It is manifest that all needful regulations looking to the peace and welfare and protection of the citizens of the country in labor controversies are now provided in existing law. The purpose of the bill is threefold.

First. To authorize the President to "inquire into and investigate" the causes of any "controversy concerning wages, hours of labor, or conditions of employment" that may interrupt or threaten to interrupt the movement of commerce among the States or interfere with the civil or military functions of the Government. (Sec. 1.)

Second. The investigation is arbitrarily made by a commission consisting of seven men to be appointed by the President, whether the parties to the controversy request or advise such investigation. (Sec. 2.)

Third. After making the investigation the commission must locate the responsibility for the controversy and recommend legislation by Congress to prevent a recurrence.

Of course, the bill is based on such construction of the commerce clause of the Constitution, which literally followed out means federal license to do business in the territorial limits of the different States.

Mr. TOWNSEND. Will the gentleman permit an interruption?

Mr. RICHARDSON. No; because you would not allow anyone to interrupt you. You made that statement, that you would not allow it. When I am through I will gladly let you interrupt me.

Mr. TOWNSEND. All right. I am sure the gentleman does not want to make a misstatement about the bill.

Mr. RICHARDSON. No; I certainly do not. I will allow you to correct me after I get through if you can point out to me my mistake.

It will be observed that the commission has no authority to demand a compliance with its findings. In this connection we should not forget that no adjustment of any controversy concerning wages or hours of labor, and so forth, can be made that takes from the operator the liberty to shut down his plant when he gets ready to do so; nor can the liberty be taken from the employee to refuse to work for wages not satisfactory to him. To undertake to violate either one of these fundamental principles of right would be subversive of all individual liberty and the source of universal discontent.

I contend that this bill in effect seeks to do indirectly that thing, and certainly is the advance step of legislation for compulsory arbitration. It relies on a manufactured public opinion to enforce its findings as to where the "responsibility" belongs. That is to say, the judgment of the public is to be invoked on the development of facts, after the injury and harm of the strike has been done. That a commission of seven men, selected arbitrarily, as this commission will be, without the advice or consent of the parties interested, whose character and freedom from prejudice should be sufficient to have the public indorse their findings, with such power and effect as to prevent a "recurrence" of such a controversy is the proposition. No two strikes are brought about by similar causes and facts.

The suggestion of such public opinion is but a child's card house that topples over when touched. Public opinion at the beginning of the controversy connected with wages or hours of labor should be far more efficacious in working good results than public opinion after the evil has been done. Yet it is an undeniable fact that but few strikes or controversies about wages or hours of labor have occurred in this country where public opinion was not in sympathy with the strikers and sustained them when the facts were made known at the beginning. I will refer to two great strikes that now occur to me; one is the Philadelphia car strike that occurred in 1895, and the other the Coal Creek Valley strike.



In the Philadelphia strike, in that great city of "brotherly love," the justice, right, and necessity of the strike were recognized and emphasized by the good people of that city, embracing all the vocations of life, in overflowing public meetings. So it was in the Coal Creek (Tennessee) Valley strike, that was brought about by convict labor; the public was in cordial sympathy with the strikers. Yet, notwithstanding this earnest public opinion, these strikers were ignored and afterwards punished because they had demanded justice.

The bill, if it has any promise of relief at all, is to prevent a "recurrence" (sec. 7) of the controversies.

I contend the hope of relief, as suggested, is based on absolutely false premises. In order to accept that theory we must admit that all controversies connected with wages and hours of labor, and so forth, have been wrong, unnecessary, and harmful—and not beneficial—in their results, and therefore a recurrence of the same must by congressional law be prevented. That is the concrete proposition in this bill. Of course this theory proceeds upon the idea that all strikes are wrong, that all controversies connected with wages and hours of labor are wrong. I dissent from that view. I do not hesitate to say here in my position as a Representative of the people of my district, without regard to the welfare of any special interest, that in the unending struggles between capital and labor, with the superior advantage and power of capital, had it not been for the compact organization of labor unions—which are conceded to be proper and lawful—"the organized appetite of capital for greed" would have appropriated an unrighteous share of the honest earnings of labor. I do not contend that all strikes are the promptings of good judgment. Often they are disastrous in their results to laboring people, to the public, and harmful to capital; yet we can not deny that these revolts upon the part of laborers are the last and only resort to check and defy the unlawful and heartless oppressions of capital.

Just examine for a moment how and when the provisions of the bill are to become operative. Section 1 provides that the President shall require and investigate when the controversy interferes with the "transportation of the mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the States."

This section is very broad. The four functions of our Government are: First, the transportation of our mails. No one will hardly deny that the Post-Office Department is not properly equipped with sufficient law regulations and powers to take care of the mails. No complaint has been made to the contrary. Second, civil operations, which refer to the Treasury Department, which looks after the financial interests of the country; the Interior Department, embracing our geological survey, pensions, public lands, and Indians; the Department of Justice, which handles the great law matters of the Government; and the Agricultural Department, organized to promote the great agricultural interests of the country. These are all connected with the civil operations of the Government. No complaint comes from either of the departments that this bill is needed to enable them to perform their civil functions. Third, military operations. It will hardly be contended that the Departments of War and the Navy demand any assistance from the provisions of such a bill as this. Fourth, the movement of commerce among the States. The Interstate Commerce Commission and the courts are charged with that duty. Then I ask, What would be the real field for this bill to operate in? I assert that we have ample law now to make all the proper investigations into all strikes, difficulties, or controversies arising in the great corporations. The Bureau of Corporations covers that field. It can not apply to the strikes of labor unions, for the Bureau of Labor fully covers that field. It does not proceed to settle difficulties or controversies connected with wages or hours of labor by mediation, conciliation, or voluntary arbitration, for the Erdman law of 1898 provides for either party to call on the president of the Interstate Commerce Commission and the Commissioner of Labor to mediate, conciliate, or arbitrate any such controversy.

This bill, if it becomes a law, will necessarily apply to individuals, copartnerships, and vocations, as distinguished from corporations.

I contend that the surest way to "secure justice" under the Constitution is to uphold and maintain inviolate the individual personal rights of the citizen, and I believe that the highest duty of the Congress is to rebuke and reject every device of legislation that leads in that direction.

Such legislation means governmental paternalism in its broadest form. The highest function of government is to leave the citizen to the uninterrupted enjoyment of his personal liberty, provided that in the exercise of these personal and inalienable rights he does not conflict with the rights of others. This bill,

I contend, subjects the citizen to the humiliating power of "search at will" into his private affairs and an examination of the books of his business. I call your attention again to the provisions of the bill in section 1. "Any controversy concerning wages, hours of labor, conditions of employment." I beg you to note the words "conditions of employment." Can anyone limit the significance or the extent of the meaning of those words? What manner of investigations could be made by a commission clothed with authority to inquire into the "conditions of employment?" Let me make a practical illustration of how this bill, if enacted into a law, would operate. Suppose a controversy were to arise in a cotton factory in Massachusetts about the reduction of wages or the increase of the hours of labor, and the commission would deem it necessary to make an examination under the direction of the President. What, I ask, would be the scope of that investigation? The operator of the Massachusetts mill would say: "Yes, I had to reduce the wages of my employees or shut down the mill; I have a competitor in the State of North Carolina making the same kind of cotton cloth that I manufacture. I found out that on account of the 'conditions of employment' and cheap living and long hours of labor enjoyed by my competitor I could not pay my employees the wages I had been paying and compete with my competitor in the home or foreign markets."

This bill authorizes the commission to "examine the accounts and books of that mill" or "to examine and report on any matter material to the investigation in which such examination and report may be deemed of substantial assistance." Would it not be deemed material to look into the books and reports of the North Carolina mill to ascertain the conditions of employment, the amount of wages, and the hours of labor, in order to pass intelligently on the controversy between the Massachusetts operator and his employees? We are rapidly passing from the true theory of our republican form of government—the essence of democracy—a fundamental principle that "We favor the enactment of all laws which give to every citizen the greatest measure of personal liberty."

I object to the bill, because when mediation, conciliation, and voluntary arbitration can not be invoked the courts of our country are the proper places to settle all differences between citizens. I believe that if ever there was a period of the history of our country that the people ought to guard, preserve, and maintain the legitimate authority of the courts it is now. Have we forgotten so soon the beneficial results arising in the mediation invited and exercised only a few months since, when the chairman of the Interstate Commerce Commission and the Commissioner of Labor settled the threatened decrease of the wages of the employees of the Southern Railway? The mediation was of a most friendly character, and the decision was cheerfully accepted by employer company and its employees. This bill obstructs all such settlements.

Mr. Chairman, one of the principal constitutional objections that I have to this bill is that when the commission reaches a conclusion it has no right to enforce its own judgments, but it calls upon and invokes the aid of the courts of the country to make citizens bring into court their private papers. I do not believe, from a constitutional standpoint, that Congress has a right to clothe that commission with any such authority as that. The courts are here for the arbitration and settlement of all controversies and difficulties between citizens. If Congress intends to create a commission with judicial power and authority, it ought to say so, and clothe it with that power, and not put it in an attitude where, after it reaches its conclusions, it must then go to the courts of the country to enforce its judgments or report back to Congress and get additional legislation.

I have observed, since I have been a Member of this House, that the usual and favorite way of extending federal authority over matters that can be and ought to be left to the States is to commence by calling for an investigation or a commission. These investigations always result in recommending and enacting legislation giving federal control.

I dare say that there is scarcely a field now occupied and controlled by the Federal Government of doubtful constitutional jurisdiction that did not commence in calling for an investigation always followed by legislation by the Congress.

We are called on now for all kinds and varieties of investigations by the Federal Government.

We are asked to appoint inspectors to examine the wheat crop and see that the producer is not cheated in weights. It seems to me that the man who produces the wheat has judgment and sufficient interest in his own business to know how to sell his own product. Besides, such protection as he needs or asks for is given him by the inspection laws of his own State.

Again, we are invited to regulate bills of lading. Really the purpose is to place a bill of lading on a commercial footing with

banking paper to protect banks. The great functions of the Federal Government can not properly be used for regulating the personal, private commercial business affairs between citizens. I dare say that any Member, if he will look back, will find the field where federal legislation now prevails which is of doubtful constitutional character that it commenced just like this bill commences, by a commission, asking them to report legislation back to Congress, which Congress will accept and indorse, and then the thing is fixed. I will not refer to those instances now. It is a favorite way of invading territory and exercising authority forbidden by the Constitution; and for that reason such bills as this—which Mr. Garfield, every time he touched it, said that the operation of the present law was enough and sufficient for all corporate purposes—ought to be defeated.

Mr. Chairman, I contend that under this bill a Massachusetts cotton mill could be investigated for cutting down the wages of its labor, and about which there was some commotion or disturbance, that the commission could go there and investigate it. Now, what else does it say? That that commission, under the provisions of section 6, has a right to employ any number of competent experts to examine all accounts and books that may appear to the commission to be material to the investigation. In other words, the commission may open up the books of a merchant or anyone else to his rival.

Suppose the Massachusetts cotton operators said: "Why, we were bound to cut down the wages of the employees. We had such competition in some other States of the Union, where labor conditions are different, where food conditions are different, where the hours are longer, and we had to reduce our wages." Could not that commission, under this bill, call the owners of that competing mill before them and look into its books and examine private matters and expose the whole condition of that cotton mill to the eyes of the public—a mill that was thousands of miles from the locality of the disturbance, that had brought about the reduction in wages? Why could not it do that? Mr. Garfield did not say that it could not. I contend further that under this bill a plantation located on the banks of the river that is made a line between two States, that any disturbance upon the part of the laborers on one of these plantations about wages or conditions of employment can certainly be investigated by the commission under this bill. Why not? The products of that farm enter into interstate commerce.

Gentlemen, I do not know where this bill leads us. It may be plausibly explained, or attempted to be plausibly explained; but there is poison in it, because there is doubt about its limitations, and wherever there is doubt as to matter of that kind, that doubt ought to be given to the conservative side, to that side of accepted law and understood by the people as such.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has thirteen minutes remaining.

Mr. RICHARDSON. I reserve the balance of my time, and I ask unanimous consent that I may be allowed to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman from Alabama a question before he takes his seat.

Mr. RICHARDSON. I will yield to the gentleman.

Mr. GAINES of Tennessee. On page 3 of the bill is a proviso which reads:

*Provided, That no testimony given by him before any commission or commissioner shall be used as evidence against him in any criminal proceedings in any court, except in a prosecution for perjury committed in giving such testimony.*

Now, on line 19, same page, this language appears:

But no witness shall be required to give any testimony incriminating himself, nor shall he be given any immunity.

Is that the language used in our immunity statute that has been passed since the gentleman from Alabama has been in Congress?

Mr. RICHARDSON. No; it is not.

Mr. GAINES of Tennessee. Can the gentleman give me any good reason why the change is made, and then will he state whether he approves of the present immunity statute?

Mr. RICHARDSON. No; I do not approve of that statute. The gentleman from Tennessee asks me why this is so and so. I do not approve of this bill at all.

Mr. GAINES of Tennessee. I thought if the gentleman was opposed to it he could give me some good reason. As the law now stands Mr. Rockefeller, Mr. Carnegie, and the balance of those gentlemen who own about all the money in the country

could go in before the Interstate Commerce Commission and get an immunity bath although they may be as guilty of disobeying the law as any man that ever wore stripes, and yet they get this immunity bath. Now, when you come to the statute that strikes against the laborer you have this provision, that he shall not be given any immunity, while under the present law most everybody that ought to be convicted in these monopolies are being acquitted on promise of an immunity bath.

Mr. RICHARDSON. Yes; I do not agree with that. Now, Mr. Chairman, if the gentleman from Michigan [Mr. Townsend] desires to ask me a question I will yield. I courteously declined at the time to be interrupted simply because I was following his distinguished example, nothing else in the world.

Mr. TOWNSEND. I would suggest to the gentleman that if he will always do that he will seldom go wrong. As I understood the gentleman, he said that the bill was clearly intended as a statement that all strikes were unjustifiable.

Mr. RICHARDSON. I said I differed with the gentleman as to the meaning of his bill. I said the gentleman went upon the presumption that all strikes were unjustifiable. I do not believe that. I believe that some are justifiable and turn out some good results.

Mr. TOWNSEND. I understood that, but I think the gentleman misstated the position of the proponents of the bill. No one has even intimated that strikes are not justifiable, and if the gentleman had listened to my remarks he would have followed me when I said they were justifiable in a great many cases—in most cases—and that great good came out of them.

Mr. RICHARDSON. Of course, when my distinguished friend states that I misstated a position I accept that in the very mildest terms to mean that my own position differs from his.

Mr. TOWNSEND. Another thing the gentleman states, and that is, that no department has asked for this. The Department of Commerce and Labor, as represented by the Commissioner of Labor, the gentleman will remember, was before our committee on several occasions, and he was one of the strongest advocates we had on this particular measure.

Mr. RICHARDSON. I would like very much, if I had had time and opportunity to know that this bill was coming up, to have quoted what Mr. Neill did say, and I will try to do it in my printed remarks on this particular point.

Mr. TOWNSEND. Does the gentleman mean to intimate that Mr. Neill was not in favor of the measure?

Mr. RICHARDSON. No; I am not intimating anything. I mean to say, as I said before, that when I come to my printed remarks I will examine more fully what Mr. Neill said.

Mr. TOWNSEND. I shall be satisfied with that.

Mr. RICHARDSON. Now, Mr. Chairman, by direction of the gentleman from Georgia [Mr. Adamson], who is in charge of this bill, I am requested to yield the balance of my time, as well as such other time as the gentleman is entitled to, to the gentleman from New York [Mr. Ryan].

The CHAIRMAN. The gentleman can yield only such time as was yielded to him.

Mr. TOWNSEND. Mr. Chairman, I shall ask unanimous consent to have as much time used on this side as on the other.

The CHAIRMAN. The Chair understands that all that is suggested now is that the gentleman from Alabama yields to the gentleman from New York [Mr. Ryan] the balance of the time the gentleman from Georgia [Mr. Adamson] yielded to him, which would be eleven minutes.

Mr. TOWNSEND. Very well.

Mr. RICHARDSON. I yield such time as I have not used to the gentleman from New York [Mr. Ryan] in connection with such time as he already has.

The CHAIRMAN. The gentleman can not yield time in connection with any other time.

Mr. RYAN. Mr. Chairman, am I not entitled to an hour in my own right, if I so desire?

The CHAIRMAN. The gentleman from New York, being a member of the committee, could be recognized in his own right after anyone on the other side who desires to be heard.

Mr. RYAN. If no one on the other side desires to be heard, then I shall proceed.

Mr. RUSSELL of Texas. But I do, Mr. Chairman.

Mr. RYAN. But the gentleman is not on the other side. The gentleman signed the minority report.

Mr. RUSSELL of Texas. No; I did not.

Mr. RYAN. Very well, I yield.

Mr. RUSSELL of Texas. Mr. Chairman, if I could bring myself to believe the dire forebodings of those who oppose this bill, I would energetically join them in trying to secure its defeat. If I entertained even serious doubts as to its beneficial effects, I would withhold my support. I shall support it because, in my judgment, it will bring to the country



in times of industrial controversy permanent and lasting good. I differ from the Democratic members of the Committee on Interstate and Foreign Commerce as to the advisability of this legislation, and because of this cleavage between my Democratic colleagues and myself, I desire to occupy the time of the House briefly, in order to state the reasons that have impelled me to the course I have taken. The Members of the House will discover from the two reports filed that the Committee on Interstate and Foreign Commerce did not divide on this question along partisan lines at all. I failed to sign the minority report filed by the Democratic members of the committee, and the gentleman from Massachusetts [Mr. LOVERING] differed from the Republican members of the committee, and filed, also, a minority report of his own. Those Members of the House who will take the pains to read the two reports, the one filed by the minority and the one filed by the gentleman from Massachusetts, will find that they are very similar in the grounds upon which they put their different oppositions to this particular bill.

In fact, after reading them over, I was reminded very forcibly of the colored preacher's explanation to his congregation of the difference between the Epistle of Paul and the Epistle of Peter. He said that, while Paul's was longer, Peter's was the most "pinted" [laughter], and that is about the only difference I can discover between the views of the minority signed by my Democratic colleagues and the minority views presented by the gentleman from Massachusetts [Mr. LOVERING].

The bill has been assailed upon grounds that, in my judgment, are not tenable, and that the reading of the measure will wholly fail to justify. I want to call the attention of Members of the House briefly to what this measure proposes to do. It has been already read by the Clerk, and I can state, compactly I hope, and I will try to state clearly, just what is intended to be accomplished by this legislation.

The first section of this measure simply defines and establishes the jurisdiction under which the President of the United States is warranted in exercising the powers attempted to be conferred upon him by this act. The President is permitted to act only—

Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise, by reason of which controversy the transportation of the United States mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the several States and with foreign nations is, in the judgment of the President, interrupted or directly affected, or threatened with being so interrupted or directly affected—that when that condition of affairs arises, the President is authorized under this measure, should it become a law, to appoint a commission whose powers are explicitly defined and carefully and plainly limited by the terms of this act.

My distinguished friend from Alabama [Mr. RICHARDSON], who has just taken his seat, in my judgment does not have a proper conception of the legal proposition involved in this bill. If I understood him correctly in his view of the case, the President of the United States would be authorized to appoint this commission to have this investigation should a controversy arise upon a plantation in Alabama between the employees upon the plantation and the employer, provided there was a remote possibility that the product of the plantation should at some time get into interstate commerce. If that be the gentleman's view, Mr. Chairman, I must say that it is remarkable, chiefly, if not solely, for the clearness and precision with which it misstates the law. [Laughter.] I need refer to no other authority in support of what I say than the Diamond Match Company case, reported in 188 United States, page 93.

That case reviews at some length the authorities upon the question as to when an article becomes subject to the interstate power of the General Government. The opinion says:

In *Coe v. Errol*, 116 U. S., 517, logs which have been cut in the State of Maine, and others which had been cut in the State of New Hampshire, were floated in transit down a stream in New Hampshire to the town of Errol, in the latter State, thence to be floated down the Androscoggin River to the State of Maine. The town of Errol assessed upon the property a county, town, school, and highway tax. The tax was sustained by the supreme court of the State of New Hampshire as to the logs cut in that State, and abated as to those cut in Maine.

The judgment was affirmed by this court. Mr. Justice Bradley delivered the opinion of the court, expressed the contentions of the parties in two questions: Are the products of a State, though intended for exportation to another State, and partially prepared for that purpose by being deposited at a place or port of shipment within the State, liable to be taxed like other property of the State?

Do the owner's state of mind in relation to the goods—that is, his intent to export them, and his partial preparation to do so—exempt them from taxation? This is the precise question for solution.

It is obvious that like questions could be framed upon the facts of the case at bar to express the proposition presented. Mr. Justice Bradley's observations, therefore, become pertinent and decisive. He discussed every consideration. He clearly exhibited the extent of the power of the State over the property within it, whether in motion or at rest, though destined for points out of it. He said:

"There must be a point of time they (goods destined to other States) ceased to be governed exclusively by the domestic law and begin to be governed and protected by the national law of commercial regulation,

and that moment seems to us to be a legitimate one for this purpose in which they commence their final movement for transportation from the State of their origin to that of their destination. When the products of the farm or the forest are collected and brought in from the surrounding country to a town or station serving as an entrepot for that particular region, whether on a river or a line of railroad, such products are not yet exports, nor are they in process of exportation, nor is exportation begun until they are committed to the common carrier for transportation out of the State to the State of their destination, or have started on their ultimate passage to that State. Until then it is reasonable to regard them as not only within the State of their origin, but as a part of the general mass of property of that State, subject to its jurisdiction and liable to taxation, but taxed without any discrimination in the usual way and manner in which such property is taxed in the State.

"Some of the Western States produce very little except wheat and corn, mostly which is intended for export; and so of cotton in the Southern States. Certainly, as long as these products are on the lands which produce them, they are a part of the general property of the State. And so we think they continue to be until they have entered upon their final journey for leaving the State and going into another."

This reasoning of Justice Bradley is adopted by the court in the *Diamond Match Company* case, and the authorities quoted show clearly when goods or property within a State become subject to the power of the General Government. The power of the President to act under this bill could not be exercised in the instances cited by the gentleman from Alabama. Upon the contrary, the authority I have read completely overwhelms and destroys the legal objection to the bill suggested by my friend from Alabama. Now, let me go back and review briefly some of the other sections of the measure.

The second section of the proposed bill provides or tells how the President may act in the appointment of the commission. It provides that the President may appoint a special commission of not exceeding seven persons who are specially qualified to make an investigation of the controversy, and it provides that the Commissioner of Labor shall be ex officio secretary of that special commission, and that he shall keep and preserve all the proceedings of the commission. The third section describes the duties of the commission. It authorizes the commission upon giving reasonable notice to the parties to a controversy, whether at the seat of the disturbance or elsewhere, to proceed with all convenient dispatch to an investigation of the causes of the controversy and the remedy therefor. The fourth section provides that the parties to the controversy shall be entitled to be heard before the commission, either in person or by counsel or by both. The fifth section embraces within its limits the powers attempted to be conferred upon the commission, and I invite the careful attention of the Members of the House to what is intended to be conferred upon this commission by the fifth section of this act, and no gentleman who reads it can hesitate for one moment in coming to the conclusion that the authority it confers in no way, directly or indirectly, provides for or intimates compulsory arbitration. The fifth section confers upon the commission these powers. It gives power to summon witnesses and require the production of such books and papers as may be necessary for a just determination of the controversy. It authorizes the commission to seek the aid of the United States courts to compel the attendance of witnesses and the production of documentary evidence, and makes it the duty of the courts to render such aid. In this particular the commission sought to be created is given powers very much like that conferred upon the Interstate Commerce Commission.

The section further provides that no witness shall be required to criminate himself nor shall he be given any immunity. Section 6 authorizes the commission to employ competent experts to aid it in making the investigation full and completely satisfactory. Section 7 provides that the commission, after having made its investigation, shall make its report, setting forth the causes of the controversy and locating the responsibility therefor as far as may be and making such suggestions as in its judgment will tend to settle the disturbance and prevent its recurrence. Section 8 provides that this report shall be transmitted to the President and by him communicated to the parties to the controversy, and that the report, together with any recommendation the President may wish to make, shall be transmitted to Congress. Section 9 gives the commission the power to make such general rules as may be appropriate for the order of its proceedings. Section 10 provides the compensation of the commission and provides for its expenses and for the compensation of witnesses appearing before it. Section 11 provides that no commission appointed under this act shall continue for a period of over three months from the date of its appointment. This, Mr. Chairman, is, in my opinion, a full and complete statement of all that the bill under discussion attempts to do. No compulsory arbitration is provided for or suggested. Nothing of this sort is attempted. It is simply intended that when a controversy arises which shall reach such proportions as to interfere with the movement of the mails, or shall interfere with commerce between the States or with foreign commerce

or which shall interfere with the civil or military operations of the Government, that in either of these events the President of the United States shall be clothed with the authority to appoint a commission which shall exercise such powers and perform such functions as I have just enumerated.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will my friend yield to me? I am interested in his discussion, and I ask this solely for information.

Mr. RUSSELL of Texas. I will be glad to yield to the gentleman.

Mr. HUMPHREYS of Mississippi. What is the purpose of the inquiry the Government is to make?

Mr. RUSSELL of Texas. The purpose of the inquiry the Government is to make, in my judgment, is to ascertain the facts and make them public, in order that the public itself may ascertain from the investigation who is in the right and who is in the wrong, so that whoever may be in the wrong may have applied to him only that correction which arises in a righteous public judgment.

Mr. HUMPHREYS of Mississippi. It is not the intention of the Government after it obtains these facts to proceed further, in your opinion?

Mr. RUSSELL of Texas. No, sir. The bill makes no provision for anything of that kind.

Mr. RICHARDSON. Will the gentleman from Texas [Mr. RUSSELL] allow me one word as to the fifth section?

Mr. RUSSELL of Texas. Yes, sir.

Mr. RICHARDSON. The gentleman asserts, does he not, that the authority of the commission under the fifth section goes to this extent: That it would have the right to examine the books of a man that was not a party to that transaction to be brought before that commission?

Mr. RUSSELL of Texas. I am not prepared to concede that. The gentleman may be right. At present I neither admit nor deny. It does provide for the production of books and papers.

Mr. RICHARDSON. Essential to a just examination?

Mr. RUSSELL of Texas. Surely. But at the same time it provides that the agencies by which it can secure the testimony must be the courts of the United States, and I take it that the courts would protect, as far as ought to be protected, anybody whose testimony was sought to be obtained by that commission. I will say this, gentlemen, without undertaking to discuss that feature of it, that I do not see why there would be any objection to the law if some third party knew something that would throw light on a great public controversy like the ones which are sought to be investigated by this bill.

Mr. ADAMSON. Will the gentleman yield?

Mr. RUSSELL of Texas. Surely.

Mr. ADAMSON. The gentleman from Texas does not deny that whatever is contemplated is compulsory? The investigation shall proceed whether the parties consent or not?

Mr. RUSSELL of Texas. What I concede to be contemplated is compulsory. What you concede to be contemplated is not compulsory.

Mr. ADAMSON. Whatever it is that is contemplated is compulsory?

Mr. RUSSELL of Texas. Perhaps so. The investigation provided for is compulsory.

Mr. ADAMSON. Then the gentleman does not deny that this commission reports recommending legislation, and the President approves that?

Mr. RUSSELL of Texas. The gentleman's purpose is evidently to establish by a kind of Socratic method of reasoning that it provides for compulsory arbitration. His questions remind me of the statement that Socrates could prove that a sheet of writing paper was a lazy dog; and this is the way it was argued: Is not a sheet of writing paper an ink-lined plane? Is not an ink-lined plane a slope up? Is not a slow pup a lazy dog? [Laughter.]

Mr. ADAMSON. I enjoy the gentleman's humor. I ask him to answer the question yes or no.

Mr. RUSSELL of Texas. I believe I am better satisfied with the answer just given than to try another.

Mr. ADAMSON. I want to know if the gentleman denies that the commission shall report its findings and recommend legislation if it sees proper?

Mr. RUSSELL of Texas. The bill shows that to be so.

Mr. ADAMSON. We stated one thing about it, and you have stated another.

Mr. RUSSELL of Texas. We will let the Members read the bill as to that part of it.

Mr. ADAMSON. What if they do not read it? I will be glad if the gentleman will deny or affirm that that provision is in it.

Mr. RUSSELL of Texas. I can not conceive that that has any bearing upon the proposition I am endeavoring to discuss

now. The position I am endeavoring to present is the Democratic position, and I will demonstrate it to you.

Mr. ADAMSON. Is it a Democratic proposition?

Mr. RUSSELL of Texas. Yes; the Democrats have declared themselves on this proposition.

Mr. ADAMSON. Have you ever found a proposition among Democrats or lawyers to force anybody into any sort of arbitration? Has not the arbitration law always been the reverse? After the parties had agreed, then they were compelled to abide the findings. Is not that recognized as the proper way?

Mr. RUSSELL of Texas. I think so. I want to say that while there was no division in this matter along party lines, yet I assure you that my position is justified not only by the Democratic platform declarations, but by the history of Democratic legislation on this subject, and I want to read one or two authorities bearing on this point. In the Democratic platform of 1896, I find this language:

We are in favor of the arbitration of differences between employers engaged in interstate commerce and their employees, and recommend such legislation as is necessary to carry out this principle.

Mr. ADAMSON. Now, I will ask the gentleman if he finds any encouragement there for the idea that the parties shall be investigated without their consent?

Mr. RUSSELL of Texas. I will show to the gentleman presently what idea was intended to be conveyed. Here is the platform of 1900, in which we find this declaration:

We are opposed to government by injunction; we denounce the blacklist, and favor arbitration as a means of settling disputes between corporations and their employees.

These are the Democratic platform declarations, and now let us examine the history of Democratic legislation upon the subject.

Mr. Chairman, this is not the first time that this principle has been proposed in the legislation of our country. An act similar to this was introduced in Congress in 1886, and it was passed. That act, however, omitted the proposition that these gentlemen resist now, and that is, it omitted the provision for governmental investigation of labor disputes. That act was passed in 1886; and President Cleveland vetoed it, because it did not contain the very proposition which you gentlemen now see fit to criticize. In 1887 a bill was offered in Congress including in the provision for governmental supervision of investigations of labor disputes, and that bill became a law and received the President's sanction in 1888, and remained upon the statute books until 1898, when it was superseded by the present law, which does not contain the provision for the appointment of a commission for the investigation of labor disputes.

It is true that the act of 1888 was restricted in its application to disputes between transportation companies and their employees, but it contained the proposition for the investigation by the Government of these controversies, and in this particular was analogous to the very proposition in this bill that we have here to-day. Now, when that question came up in Congress, a gentleman from Georgia engaged in that debate, just as we have a gentleman from Georgia engaged in this to-day, and here is what he thought of that bill which provided for the investigation by the Government of labor disputes. I read from the CONGRESSIONAL RECORD of the first session of the Fiftieth Congress, when the bill that I have alluded to was under consideration. I read from the remarks made by Mr. Blount of Georgia. I do not know whether he was the predecessor of my distinguished friend from Georgia or not. Am I correct?

Mr. ADAMSON. No, sir.

Mr. RUSSELL of Texas. He was not a Representative from your district?

Mr. ADAMSON. He was from Georgia, but not from my district.

Mr. RUSSELL of Texas. Well, he was a very distinguished citizen of Georgia and a very influential Member of this House.

Bear in mind that the bill then under discussion provided for compulsory investigation of disputes between transportation companies and their employees whenever interstate commerce was involved; practically the very proposition involved here to-day. In the discussion of that bill Mr. Blount said this:

Mr. Chairman, it is said that there is nothing in this bill and that some other measure ought to be provided to reach the real evils connected with our labor troubles. I venture to say that, while this observation is accepted by nearly every gentleman, there is scarcely one upon this floor who has in his own mind come to any conclusion as to any measure at all upon this subject. This being the case, sir, why discard this measure? Is there nothing good in it? With the great danger that threatens the property of the country and the peace of society growing out of these strikes, is it not something that the Government of the United States should, in the midst of the excitement, appoint a board or commission to go to the scene of the troubles to investigate all the facts connected with them as far as they can, and to exert the moral influence which would attach to such action on the part of those commissioners in their advice as to some mode of settlement? Is it not possible that a commission appointed by the Presi-



dent of the United States may go into the disturbed district, hear the complaints on either side, and find a way to some proposition that may bring about peace? And if this be true, that part of the bill which arms the President with this moral power, which oppresses none and which may do great good, should, it seems to me, command the assent of good citizens all over this land.

Now, I commend these remarks to the prayerful consideration of my distinguished friends from Georgia and Alabama.

Mr. RICHARDSON. Now, Mr. Chairman, if the gentleman will permit me, that law that he has just read related alone to corporations.

Mr. RUSSELL of Texas. Related to transportation corporations.

Mr. RICHARDSON. This bill is very different, is it not?

Mr. RUSSELL of Texas. It is wider in its scope.

Mr. RICHARDSON. Much wider.

Mr. RUSSELL of Texas. Very much wider.

Mr. RICHARDSON. Do you not believe that the Erdman Act, passed some years ago, is sufficient for all purposes of investigation?

Mr. RUSSELL of Texas. What do you refer to as the "Erdman Act?" The act of 1893?

Mr. RICHARDSON. Yes. What is the objection to that act?

Mr. RUSSELL of Texas. There are several objections. I believe they were clearly set out by the gentleman from Michigan.

Mr. RICHARDSON. You are reading from that law. That makes no reference to any compulsory action.

Mr. RUSSELL of Texas. The act of 1888 provided that the President should be empowered to appoint a commission, and provided that they should have the right to compel the attendance of witnesses, to elicit testimony, and to do practically just what this act does, except that its application was limited to transportation companies.

Mr. RICHARDSON. Then, why do you want to pass this bill?

Mr. RUSSELL of Texas. That law, I will say, was repealed by the Republican act of 1898, and we want it put back on the statute books. If the bill now under discussion is made the law, we will be but putting back in the statutes of the United States the Democratic legislation of 1888 in so far as the principle of governmental investigation of these disputes is concerned.

Mr. RICHARDSON. Now, one more question. I wish my friend would give his construction of the limitations of this language in this act: "Concerning wages, hours of labor, or conditions of employment." What is the limit of investigation of the commission appointed by the President under the words "conditions of employment?"

Mr. RUSSELL of Texas. The President's limitations are marked. His power is not called into being unless the controversy is such that it interrupts the civil or military operations of the Government, or the movement of the mails, or the free and regular movement of interstate and foreign commerce. I do not care what other proposition may be involved, it requires the concurrence of one of these elements also before his power can be exercised at all.

Mr. RICHARDSON. Can you give the committee an illustration of the conditions of employment that enter into interstate commerce, and those that do not, which the President by this act could order investigated?

Mr. RUSSELL of Texas. I believe my friend makes this mistake with reference to his investigation of the bill. I am not sure that I correctly understand him. The power of the President to act does not depend upon whether the dispute is concerning wages, hours of employment, or conditions of labor at all. His power does not come into being until the dispute reaches such magnitude that it will interrupt the civil or military operations of the Government, or the regular movement of the mails, or the orderly movement of interstate commerce. It is only when one or more of these conditions arises that the President can act with reference to the subjects referred to in your interrogatory.

Mr. RICHARDSON. But when that condition does arise, with reference to any employment or any question of wages, then the President can act?

Mr. RUSSELL of Texas. Certainly, in a case of that magnitude.

Mr. RICHARDSON. It makes no difference how large or how small.

Mr. RUSSELL of Texas. It can not be small. It must be of sufficient magnitude to interrupt the movement of the mails or the civil or military operations of the Government or the movement of interstate or foreign commerce.

Mr. RICHARDSON. There are a thousand little rivulets that run into interstate commerce from the States, and the interruption of one of them would justify the interposition of the President.

Mr. RUSSELL of Texas. It is inconceivable to my mind that the President of the United States would seize upon an opportunity like that indicated by the gentleman from Alabama in effort to put into operation the powers attempted to be conferred in this bill.

Mr. RICHARDSON. But you admit, do you not, that he has the power to do it?

Mr. RUSSELL of Texas. I think not. I can not conceive how a dispute, like that which the gentleman has in mind evidently, could be of such magnitude as to interrupt interstate and foreign commerce or the civil or military operations of the Government or the regular movements of the mails.

Mr. ESCH. Will the gentleman yield for a question?

Mr. RUSSELL of Texas. Yes.

Mr. ESCH. Would not an overexercise of this power by the President weaken the operation of the law?

Mr. RUSSELL of Texas. Undeniably so.

Mr. ESCH. Therefore the President would have every reason to exercise this power only on rare occasions.

Mr. RUSSELL of Texas. Unless he deliberately intended to destroy the law.

Mr. ESCH. Which is not a reasonable supposition.

Mr. RUSSELL of Texas. I would hardly suppose so.

Mr. COOPER of Pennsylvania. I should like to ask, as a matter of information, what power this commission would have, or where would there be any power to enforce its recommendations to report?

Mr. RUSSELL of Texas. None in the world, except the moral force of public opinion.

Mr. COOPER of Pennsylvania. It would not amount to anything except so far as that is concerned.

Mr. RUSSELL of Texas. But that is a great deal. There never has existed a great abuse that could permanently survive the force of a righteous public opinion.

Mr. COOPER of Pennsylvania. I do not mean public opinion. I mean so far as the legal enforcement of its findings are concerned.

Mr. RUSSELL of Texas. There is no machinery at all providing for its enforcement.

Mr. COOPER of Pennsylvania. Then, suppose the people interested in the controversy should refuse to appear, to enter into this arbitration, to produce books and papers—could they compel that to be done if they have no power to enforce their own finding?

Mr. RUSSELL of Texas. I think so. I do not see any reason why not. If the gentleman knows of any reason why—

Mr. COOPER of Pennsylvania. I merely raised the question.

Mr. RUSSELL of Texas. The mere fact that they can not go any further than to make a report to the President which shall be transmitted to Congress does not necessarily deprive the commission of the power to enforce the attendance of witnesses and ascertain in a proper way all the facts with reference to the controversy.

Mr. COOPER of Pennsylvania. Could you confer upon the commission the power to enforce its report or its conclusions?

Mr. RUSSELL of Texas. That is purely speculative now and does not matter. I see no good that could come from a discussion of it, as it is not at all involved in this bill, until some measure comes before the House tending to provide compulsory arbitration, and I will say to the gentleman frankly that I would not support a bill providing for compulsory arbitration. I want the gentleman to understand clearly that this bill does not provide for compulsory arbitration. It does not attempt it in any way.

Mr. COOPER of Pennsylvania. If you undertake to settle a controversy between individuals, the commission might find a case where the claim made would be that the commission's findings, if enforced, would impair the obligation of contracts. Would the Government under these circumstances have any authority to appoint a commission for that purpose?

Mr. RUSSELL of Texas. There is no authority, as far as this bill is concerned, to require parties to abide the decision. The commission is only authorized to ascertain the facts in an orderly and legal way, and then to report their findings.

Mr. HARDY. I would like to ask the gentleman a question.

Mr. RUSSELL of Texas. I will yield to the gentleman.

Mr. HARDY. Is it not a fact that under the provisions of this bill there is no power given to bring any verdict that could be enforced, and yet there is power to require the parties to such a legal controversy to appear, be sworn under the penalty of perjury, and give evidence in relation to their affairs and proceedings?

Mr. RUSSELL of Texas. Unquestionably. The gentleman does not object to it on that ground, does he?

Mr. HARDY. I ask what the situation is. Does the gentleman know whether or not the transportation companies and the large corporations engaged in interstate commerce do or not favor this bill?

Mr. RUSSELL of Texas. I have not a personal knowledge of that subject. I have been informed that the bill is being resisted to some extent by both the large employers of labor and some of the labor leaders.

Mr. HARDY. Does any labor organization favor this bill?

Mr. RUSSELL of Texas. Frankly, I will say to the gentleman I can not tell whether they do or not. I have no personal knowledge of any labor organization opposing it or any employer of labor opposing it. I have been informed that they do.

Mr. HARDY. Recognizing the fact that no man has any right to compel anybody to employ him under our present conditions of labor controversies and the condition of laboring men, does the gentleman from Texas think it wise to give such a power as this bill does to force an investigation against the will of parties interested when you can not give them any relief, no matter how much you find they have been imposed upon?

Mr. RUSSELL of Texas. The gentleman is proceeding upon the proposition that because the bill does not provide for compulsory arbitration, therefore it ought not provide a means for eliciting the facts concerning the labor dispute.

Mr. HARDY. Is not this in the nature of compulsory arbitration?

Mr. RUSSELL of Texas. I can not see it that way.

Mr. HARDY. If the bill should go far enough and say that the parties could be cited and state the case on the issues that it made up, and the commission could bring in a verdict and enter a judgment so that their findings were enforced, that would be compulsory arbitration. Does not this go far enough to force them to give the evidence?

Mr. RUSSELL of Texas. It forces them to give the evidence, and it will give all the relief which a righteous public opinion can afford.

Mr. HARDY. My understanding is from some Members here that labor organizations, as far as they have manifested any opinion, have condemned the measures.

Mr. RUSSELL of Texas. I have no knowledge of it.

Mr. HARDY. So far as I am concerned, that would have considerable weight with me unless it were very apparent that the legislation was necessary, because they are so interested, and as the bill gives them no relief, I would hesitate to require them to come under oath and answer as to all affairs when you can give them no remedy.

Mr. RUSSELL of Texas. It seems that some gentlemen who ask these questions oppose the bill, because it is compulsory arbitration in one breath and then oppose it in another because it is not compulsory arbitration.

Mr. RANDELL of Texas. That is not my position. It seems to me that as far as you go it is compulsory arbitration, but it does not go to the limit of giving a remedy and enforcing the remedy. It does not go to that extent, but the investigation is compulsory, and that is what I am opposed to unless you could give me some good reason to the contrary.

Mr. RUSSELL of Texas. Is the gentleman in favor of compulsory arbitration?

Mr. RANDELL of Texas. I am not.

Mr. RUSSELL of Texas. The bill provides, if the gentleman will read it—

Mr. RANDELL of Texas. It seems to me that arbitration is in the nature of an agreement; that men agree that they will arbitrate their differences. Then the law may be brought in to provide a way; but to say that two men shall be compelled to agree to a matter, that is not an agreement at all—that is compulsory, and I am opposed to anything of that kind, excepting in the ordinary channels of the courts.

Mr. RUSSELL of Texas. Mr. Chairman, I do not like to restate a proposition I have just been discussing, but these interrogatories show so manifestly that the gentlemen have not carefully read the bill that I want to make another statement of the proposition I made awhile ago, and that is this: That this bill attempts to lodge in the commission to be appointed by the President every facility for truthfully eliciting the facts and arriving at an accurate conclusion in the controversy. That is all.

It does not rely upon any sort of compulsion at all, except the compulsion that follows from honest investigation and a correctly formed public opinion. If the public opinion is manifestly in error, then it will not force a settlement of the controversy, but if it is such a public opinion as is correctly formed upon truthful fact, then in the ordinary course of events parties

to the controversy would be compelled to yield to that, as we always yield to righteous public sentiment.

Mr. RANDELL of Texas. Is the gentleman in favor of compulsory arbitration?

Mr. RUSSELL of Texas. Not at all. And I repeat again, that this bill does not suggest the principle of compulsory arbitration. Now, I want to call attention briefly, before I close, to some reasons why this legislation should be enacted. The country possibly, in time of peace, when it is not disturbed by great labor commotions, does not realize the enormous loss inflicted through these sad events. I have here before me a volume called "Labor and Capital." It contains a number of very interesting articles. I want to read briefly from just two of them. I want to read first a statement made by Cardinal Gibbons, to be found in this volume at page 142. He has this to say on the subject:

Experience has shown that strikes are a drastic, and at best a very questionable, remedy for the redress of the laborer's grievances. They paralyze industry, they often foment fierce passions and lead to the destruction of property, and, above all, they result in inflicting grievous injury on the laborer himself by keeping him in enforced idleness, during which his mind is clouded by discontent while brooding over his situation, and his family not infrequently suffers from the want of even the necessities of life.

It would be a vast stride in the interests of peace and of the laboring classes if the policy of arbitration, which is now gaining favor for the settlement of international quarrels, were also availed of for the adjustment of disputes between capital and labor. Many blessings would result from the adoption of this method, for, while strikes, as the name implies, are aggressive and destructive, arbitration is conciliatory and constructive; the result in the former case is determined by the weight of the purse, in the latter by the weight of the argument.

Now, then, listen to some striking figures submitted by Mr. Carroll D. Wright upon the same subject in the volume I have before me, at page 153. I invite the attention of the committee to these figures:

The record of strikes in the United States for the twenty years ending December 31, 1900, as shown by the United States Department of Labor, would seem to indicate that at times, at least, some drastic measure for the prevention of conflicts might be desirable. This record is that during the period named there were 22,793 strikes, with a loss of \$257,863,478, a loss through assistance rendered by labor organizations of \$16,174,793 and a loss to employers of \$122,731,121. The lockouts during the same period numbered 1,005, with a wage loss to employees of \$48,819,745, a loss through assistance rendered by labor organizations of \$3,451,461, and a loss to employers of \$19,927,983. The total losses by strikes and lockouts reached the vast sum of \$468,968,581. It is curious to note that in 50.77 per cent of the establishments in which strikes occurred they were successful, in 13.04 per cent partially successful, and in 36.19 per cent failures; in 50.73 per cent of the establishments where lockouts were ordered success attended the efforts of the employers, while in 6.28 per cent they were partially successful, and in 42.93 per cent the lockouts failed of the object for which they were ordered. In a large majority of all these strikes and lockouts the public as such probably experienced little or no inconvenience, and therefore was not sensitively interested in them, but in others, and those of the greatest magnitude, the loss can not be computed by any statistical method. It is utterly impossible to ascertain the direct and indirect loss to the public through great strikes and lockouts which suspend traffic, raise prices, and affect all trades and commercial transactions.

Mr. WALDO. What was the period?

Mr. TOWNSEND. Twenty years ending 1900.

Mr. RUSSELL of Texas. Twenty years ending December 31, 1900.

Now, I have here another volume. I will not take time to read largely from it, but it is the report of the Commissioner of Labor on the subject of strikes and lockouts for the year 1906. It is devoted to a consideration of the subject for the twenty-five years immediately prior to 1905. I invite the attention of the House to the following statement from that report:

In this report of twenty-five years there were 36,757 strikes and 1,546 lockouts in the United States, making a total of 38,303 disturbances of this character. As above indicated, disturbances of less than one day's duration are not included in these numbers.

Strikes occurred in 181,407 establishments and lockouts in 18,547 establishments, making a total of 199,954 establishments involved in these disturbances. The total number of persons who went out on strikes during the twenty-five years was 6,728,048, and the number of persons locked out was 716,231, making a total of 7,444,279 persons striking and locked out.

Because of the dependence of one occupation upon another the cessation of work by strikers and employees locked out often renders it impossible for fellow-employees in the same establishment to continue work.

The number of employees, including strikers, thrown out of work by strikes within this period of twenty-five years was 8,703,824, and the number thrown out of work by lockouts was 825,610, making a total of 9,529,434 persons thrown out of work by these labor disturbances in the establishments involved. In the above figures establishments and employees have been counted each time they were involved in different strikes and lockouts. On the other hand, no attempt has been made to estimate the number of persons thrown out of work in establishments not involved in the disturbances, but closely dependent in many ways on the establishment involved, as in furnishing material, etc.

Of the 36,757 strikes from 1881 to 1905, 68.99 per cent were ordered by labor organizations and 31.01 per cent were begun either by employees who were not members of organizations, or who, if members of organizations, went on strike without the sanction of their organiza-



tions. Of the 181,407 establishments involved in strikes, 90.34 per cent were included in strikes ordered by organizations. Strikes ordered by labor organizations included 79.69 per cent of all strikes and 77.45 per cent of the total persons thrown out of work in establishments involved in strikes.

The average duration of strikes per establishment was 25.4 days and lockouts 84.6 days. The strike or lockout does not, of course, always result in the closing of the establishment affected, but in strikes 111,343, or 61.38 per cent of all establishments involved, were closed an average of 20.1 days. In lockouts, 12,658, or 68.25 per cent of all establishments involved, were closed an average of 40.4 days. The days here referred to are calendar days, including Sundays and holidays.

This will give the House some conception of the enormous loss in wages and earnings growing out of strikes and lockouts. When we take the average price of labor per day and multiply that by the number of days the employees were out of employment by reason of strikes or lockouts, and consider the average amount of the wages, we see what an enormous loss has been incurred by the wage-earner himself. But the greater loss falls upon the public at large, who suffer from the controversy between the employee and the employer; the people who suffer when a coal strike is on, when a coal famine prevails; the people who suffer when other things can not be had; they are the people who should appeal to us in the consideration of this legislation.

Mr. WILSON of Pennsylvania. Will the gentleman permit a question?

Mr. RUSSELL of Texas. Yes, sir.

Mr. WILSON of Pennsylvania. Is it not a fact that in the great bulk of the strikes referred to in that report the public was not inconvenienced at all?

Mr. RUSSELL of Texas. I think not.

Mr. WILSON of Pennsylvania. The public at large?

Mr. RUSSELL of Texas. I think not.

Mr. WILSON of Pennsylvania. And is not it also a fact, in compiling these statistics of the loss of wages, that the number of days that the strike continued is multiplied by the average wage per day in order to get at the amount of the loss of wages?

Mr. RUSSELL of Texas. In the report I have just read there is no effort on the part of the commissioner at all to state the pecuniary loss involved.

Mr. WILSON of Pennsylvania. There was in a previous statement.

Mr. RUSSELL of Texas. I could not tell you the process of calculation by which these results were reached in the volume read here. In that report of the Commissioner of Labor there is no effort to state in dollars and cents the pecuniary loss involved. He simply states the number of laborers involved, the number of days the lockouts existed, and the number of days the strikes existed; taking the number of strikes and lockouts and getting a general average in that way, and in that way ascertaining the number of days they were out.

Mr. WILSON of Pennsylvania. The statement just read a few minutes ago, I believe from Mr. Carroll D. Wright, undertakes to state the loss by strikes for a period of twenty years ending December 31, 1900. What I want to bring out is this—that these statistics are misleading, because of the fact that they do not make any allowance for the work that would otherwise be done; that otherwise would be performed by the strikers and other classes of workers in the same line of work, and it did not take into consideration the actual loss of time in the industry to the workman who is working there, so that the figures are incorrect.

Mr. RUSSELL of Texas. As to the general results, they may be susceptible to the suggestion the gentleman made just a moment ago; but there is also another element that ought to be considered, namely, that Mr. Carroll D. Wright does not attempt at all in this to estimate in any way the loss to the general public by strikes and lockouts.

Mr. WILSON of Pennsylvania. Is it not also a fact that unless where a strike is general in any given line of trade the trade itself has supplied the material, and there is no loss to the public; it is only when a general strike takes place that no loss can come to the public whatever?

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman a question for information. He refers to the possibility of loss or inconvenience to the general public from the strike in the coal mines. Is it contemplated in the provisions of this bill that the inquiry here authorized shall extend to strikes in the coal mines?

Mr. RUSSELL of Texas. Replying to my friend, I will say that under the first section of the act is contained the only authority under which the President can exercise the authority intended to be conveyed by this bill. I simply use that as an illustration to show the enormous loss and suffering that are sometimes inflicted upon the public by reason of strikes. The mere fact that the public suffers would not of itself authorize

the setting in motion of this machinery unless it were of a nature that affected the movement of commerce between the States, the transportation of the mails, or the civil or military operations of the Government.

Mr. HUMPHREYS of Mississippi. Can the gentleman imagine any condition that would justify the Federal Government in interfering in this matter, or extending the inquiry to the coal fields, that would come under the first section of this bill?

Mr. RUSSELL of Texas. Not unless the controversy was of such a character as to present one or more of the features described in the first section of this bill.

Mr. HUMPHREYS of Mississippi. Does the gentleman think that is possible?

Mr. RUSSELL of Texas. It would depend entirely upon whether it presented one of the federal questions provided for in the proposed law.

Mr. HUMPHREYS of Mississippi. Then, if that is possible, is it not a further possibility, and equally so, that it may extend to the very enterprise that the gentleman from Alabama referred to on the plantations?

Mr. RUSSELL of Texas. I think not.

Mr. HUMPHREYS of Mississippi. I do not see why.

Mr. RUSSELL of Texas. It does not extend to either unless the controversy embraces one or more of the requirements contained in the first section of the bill—neither the coal miners nor the cotton planters.

Mr. HUMPHREYS of Mississippi. The reason I made the inquiry is this: Because the illustration the gentleman made is a very common and a very usual one to justify this particular inquiry—the inconvenience to all the people resulting from the strikes in the coal mines—and I have never been able to have any gentleman explain to me how it is possible for this inquiry to extend to strikes in the coal field, which are so popular as an illustration.

Mr. RUSSELL of Texas. It may be a popular or common illustration, but if the gentleman will read the bill, and no doubt he has read it or will do so—

Mr. HUMPHREYS of Mississippi. I have read it.

Mr. RUSSELL of Texas. He will discover that the mere fact that the operation of a coal mine is involved does not justify the appointing of these agencies by the President. It is only when the controversy is of such a nature as described by the first section of the bill that the President can act at all.

Mr. HUMPHREYS of Mississippi. If it can by any possibility refer to the coal mine, it can, under the same conditions, refer to the cotton field.

Mr. RUSSELL of Texas. Mr. Chairman, I do not know of anything I can say at this time which would make clearer to the House the emergencies, and the only emergencies, under which the President will be authorized to act. The reasons for this action by the House not only seem to me to be strong and convincing, but the time is ripe for wise legislation on this great question. No great industrial dispute now engages our attention, and for that reason we can act with a more unclouded vision than when passions are unbridled by some great commotion which convulses the country. I am a friend of labor and believe profoundly in the wisdom of labor organizations. In my judgment the labor unions of America are the most important factors in keeping up the standard of wages here both of organized labor and unorganized labor, and I would give my support to no measure which, in my judgment, would inflict an injustice on those unions. I believe this measure will result not only in the general good of the country, but in the good of both labor and the employer of labor. Year by year the great corporations and those who are in their employ are watching each other to see who shall get the first clutch at the throat. The gentleman from Michigan [Mr. Townsend] has told the House how the great coal barons are accumulating enormous supplies of coal—for what purpose except in case of a strike to starve their operatives into subjection. When a great industrial dispute is on, when mines and factories and railroads are involved, and when thousands of laborers are engaged in the contest, then each side is eager to enlist public sentiment in its behalf.

The public under present conditions has no opportunity of obtaining a knowledge of the controversy which is accurate and satisfying. If the press shall furnish information which shows the strikes to be in the wrong, it will be denounced as having been furnished by the paid agents of "predatory wealth." If information shall be furnished showing that the great corporations are in the wrong, it will be claimed with vehemence that it is misleading and that it is but the propaganda of violence and anarchy. If the authority to create this commission during periods of great strikes shall be granted, then the right and the wrong of the controversy can be ascertained in a regu-

lar and orderly way by those who have no interests except the general good. Men of high character and great ability will be called to this service who will have no motive except the restoration of peace—a just and honorable peace. Both sides can be represented and the evidence will be elicited with the accuracy of a trial of a case in court. When the evidence is all in then the public will be truthfully and honestly advised as to the real merits of the dispute, and a public conscience of the people will render a judgment whose force neither side will be able to evade or defy. It will bring peace because, and only because, in this enlightened and Christian era no man and no organization can set at defiance a righteous public judgment.

But a short while ago, when the great telegraphers' strike was on, the strikers appealed to the President to do the very thing this bill proposes to allow him to do. If that power had then been exercised by the President, how much loss or suffering might have been prevented. As the situation now exists, both the corporation and the striker say "Hands off and let us fight it out to the death." Both believe they have the power to crush the other. But while the struggle proceeds, what is to become of the general public, which is in no way responsible for the battle? The loss to the corporation and the loss to the strikers is often appalling, but it may be that the suffering of the people at large, who have no connection with the contest, is even greater. The whole people of the United States are entitled to have their interest regarded by us in considering this measure. In my judgment, if it becomes a law, it will be a preventive of many labor controversies and it will shorten others. It will be for the best interest of employer and employee, and result in lasting good to the country at large. [Applause.]

Mr. RYAN. Mr. Chairman, to my mind this is a peculiar situation, but all of us have seen peculiar conditions in the last few years, and one of them was the attempt to compel the adoption of phonetic spelling. Another was the striking of the legend "In God we trust" from our coinage. Remembering those things, I am not surprised that the House is asked to pass a bill that the press and the people of the country have not asked for; a bill, Mr. Chairman, that is of vast importance to both the labor interests and the employers of this country, and yet neither have been heard in its favor before the Committee on Interstate and Foreign Commerce of this House, who have had this bill under consideration.

Mr. Chairman, in the short time that I will occupy I will endeavor to show that there is no demand for this legislation, that it will serve no good purpose, and that it ought not to pass. As has been stated, it provides—and I will briefly refer to some of the provisions of the bill:

That whenever within any State or States, Territory or Territories, or the District of Columbia a controversy concerning wages, hours of labor, or conditions of employment shall arise, by reason of which controversy the transportation of the United States mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the several States and with foreign nations is, in the judgment of the President, interrupted or directly affected, or threatened with being so interrupted or directly affected, the President may, in his discretion, inquire into the same and investigate the causes thereof in accordance with the provisions of this act.

Further on it says:

That having made such investigation and ascertained the facts connected with the controversy into which it was appointed to inquire, the commission shall with all convenient dispatch formulate its report thereon, setting forth the causes of the same, locating, so far as may be, the responsibility therefor, and making such specific recommendations as shall in its judgment put an end to such controversy or disturbance and prevent a recurrence thereof, suggesting any legislation which the case may seem to require.

Now, gentlemen have said that this is not compulsory arbitration; that this merely provides for investigating certain disputes which may arise, and yet we have this provision which gives the commission power and directs them to report such recommendations as may prevent a recurrence of such disputes. In other words, to compel people to do that which they are not now compelled to do—interfering with the free exercise of that which every man claims he is entitled to under the Constitution.

This bill, Mr. Chairman, was pending during the Fifty-ninth Congress, and the only persons that appeared before the Committee on Interstate and Foreign Commerce were the Hon. James R. Garfield, then Commissioner of Corporations in the Department of Commerce and Labor, and Charles P. Neill, Commissioner of Labor. An article from Charles Francis Adams, of Massachusetts, favoring legislation of this character, was presented by the gentleman from Michigan [Mr. Townsend], and also the draft of a bill by a gentleman in Boston named John P. Palfrey.

That, Mr. Chairman, is all the record that has been obtained by this committee on this important measure. The bill was re-

ported to the House in the Fifty-ninth Congress with the understanding that it would not be called up. Now, we are to-day asked to enact into law, so far as this House is concerned, that very same measure, without any additional consideration.

Mr. Chairman, I venture the statement that not 10 per cent of the Members of this House know anything about it or have given it the slightest consideration. My friend from Texas [Mr. Russell] said that he had no knowledge as to whether or not capital or labor were opposed to or in favor of this measure. I have such knowledge. The labor organizations of this country are practically unanimous in their opposition to this bill. Mr. W. S. Stone, grand chief of the Brotherhood of Locomotive Engineers; J. J. Hannahan, grand master of Brotherhood of Locomotive Firemen and Engineers; A. B. Garretson, president of the Order of Railway Conductors; P. H. Morrissey, grand master of the Brotherhood of Railway Trainmen, have all written letters that were placed by me in the Record during the closing hours of the last session. I had them at that time, Mr. Chairman, because we were given to understand that that bill would be called up before Congress adjourned, but for obvious reasons it was permitted to die, but it is called up to-day when nobody expected it.

In order to show, Mr. Chairman, what Mr. Gompers, than whom I believe none in the country is more competent to speak regarding the attitude of labor, thinks about this bill, I will ask the Clerk to read in my time a letter which he wrote to me, referring to this very bill.

Mr. ESCH. I would like to ask the gentleman a question.

Mr. RYAN. I yield to the gentleman.

Mr. ESCH. Were not all parties interested required to appear before our committee when the bill was up for its consideration?

Mr. RYAN. Certainly. I understood the gentleman from Michigan wrote to many parties, both employers and employees, and none appeared.

Mr. ESCH. Was not Mr. Fuller present, and did he not state that he did not care to express any opinion on the bill?

Mr. RYAN. I will have Mr. Fuller's statement read after the reading of Mr. Gompers's letter has been completed by the Clerk.

Mr. ESCH. He was given an opportunity to testify. Now, my question is, Did he not say he did not care to express his views on that particular measure?

Mr. RYAN. At that particular time.

Mr. ESCH. At the time the hearings were conducted.

Mr. RYAN. As a matter of fact, there is and was no demand for this bill. Nobody appeared in favor of the bill, except a lot of theoretical chaps. [Laughter.]

The Clerk read as follows:

AMERICAN FEDERATION OF LABOR,  
Washington, D. C., March 23, 1908.

HON. WILLIAM H. RYAN,  
House of Representatives, Washington, D. C.

DEAR SIR: A month or two ago, having been asked to express my opinion upon H. R. 4857, introduced by Mr. Townsend, I wrote to you at considerable length upon the subject dealt with in that bill.

In addition thereto I desire to say that a friend of mine having the same subject in mind addressed a letter to me in the nature of a protest against the passage of the Townsend bill or the principles involved in it, and because it is so pertinent let me quote what he said:

"The open door to compulsory arbitration is the official investigation and report; that is, official arbitration by the Government. The only plausible argument for officialism in labor disputes is the creation, or manufacture, of 'correct' public opinion as to the merits of each dispute as it arises. It is said not to be the design of the advocates of officialism to decide such controversies, but only to investigate and report, thus giving publicity to the facts. But to make a public report in such cases will necessarily involve the passing of judgment. How will these ex cathedra judgments be colored? With the press in the hands of capitalists and the official investigators holding office through political influence emanating from political bosses or political power behind whom are the large employers of labor, could labor expect a proper consideration of its side or a fair presentation to the public of its contentions? Would not the bureau or commission become a sort of capitalistic or commercial priesthood?"

"Such a law would be either thus perverted and turned against labor or it would be a dead letter. In either aspect of the case it would be opposed."

"There can be no arbitration except where the disputants mutually and voluntarily consent. The initiative should be private, not official. Voluntary arbitration, the only sort that is worth mentioning, is being resorted to almost every day. For this no law is needed. Here the Government—that is to say, political power—should keep its hands off. Moreover, any such law, if resisted, would fail to stand the test of constitutionality."

"But let the bureau, commission, or whatever it may be called, be once established, even if without compulsory jurisdiction, and a cry will at once be set up for power to enforce its decrees. Therefore the description of official investigation and report as the open door to compulsory arbitration is correct."

Now, as to arbitration boards or compulsory arbitration, let me say that organized labor of the United States has from the first opposed the policy or principle of compulsory arbitration, for compulsory arbitration is nothing more nor less than compulsory abiding by the award rendered by the arbitrators.

We hold that to enforce an award against employees, backed up by the law and by the Government, is confiscation. On the other hand,



the enforcement of an award by law and by the Government, when such an award is against workmen, involves compulsory enforcement of involuntary servitude; in other words, slavery. And let me add that experience has demonstrated the soundness of contention of the working people of the United States. The compulsory-arbitration law of New Zealand and other Australasian countries is admitted to be a failure of its purpose.

About ten years ago a Mr. Lusk came to the United States, and for months entered upon a campaign to convince our people, particularly the employers, that they should follow in the course of New Zealand and adopt compulsory arbitration. It was my privilege at the time to be present on one of the occasions when Mr. Lusk was addressing an influential public meeting. I took the issue with him, and though made to bear the brunt of adverse criticism by the opponents to our movement and through a portion of the public press, the position I took was thought compelling.

For several years we had to meet the advocates of compulsory arbitration in the various legislatures and in the United States Congress, as well as upon the public platform. A turn in the tide of opinion came and employers generally agreed with labor that compulsory arbitration should not be made part of our economic or political system—that is, compulsory arbitration by the State or Nation. Owing to the attitude of organized labor we have therefore escaped the enactment of compulsory arbitration laws in the States and in the United States. Employers and those having the better understanding of industrial conditions and the industrial relations of employer and employees saw the undesirability and ineffectiveness and, above all, the injustice of such a law.

Organized labor believes in a policy of conciliation and arbitration, but believes in arbitration only where conciliation has failed, and it contends that arbitration when entered into should be voluntary, and voluntarily and faithfully abiding by an award rendered; that this is the only method to obtain and maintain the largest degree of industrial peace consistent with human liberty.

I should add that we believe in an investigation of some of the industrial disputes and controversies which arise, but I am fully persuaded that the fullest advantages and best results with the least injury to the people and their rights would accrue from unofficial or quasi-official investigation, rather than investigations conducted by a commission created by law with power, with penalties, punishments, and what not.

It is exceedingly interesting to note to what extent some men want other men to do by law, and let me add that I have no hesitancy in declaring my sincere convictions that such a bill as the Townsend bill simply means the forerunner of an attempt at compulsory arbitration by law with all that that implies.

Very respectfully, yours,

SAML. GOMPERS,

President American Federation of Labor.

Mr. RYAN. Mr. Chairman, I now ask the Clerk to read the letters from Mr. Fuller and Mr. Goss, and the presidents of the different railroad organizations printed on that same page, as I remember it.

The Clerk read as follows:

ORGANIZATIONS OF RAILROAD EMPLOYEES.

WASHINGTON, D. C., March 17, 1908.

Hon. W. H. RYAN, M. C.,

Washington, D. C.

DEAR SIR: On behalf and by authority of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad Trainmen, and Order of Railway Conductors, we earnestly and respectfully express the opposition of these organizations to the passage of House bill No. 15447, entitled "A bill for the investigation of controversies affecting interstate commerce, and, for other purposes," our reasons for such opposition being expressed in the attached letter bearing the signatures of the chief executive officers of the above-named organizations.

Respectfully submitted,

H. R. FULLER,

Legislative Representative Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad Trainmen.

M. N. GOSS,

Legislative Representative Order of Railway Conductors.

WASHINGTON, D. C., March 16, 1908.

Messrs. H. R. FULLER and M. N. GOSS,

Legislative Representatives, Washington, D. C.

GENTLEMEN: For the members of the organizations we represent you are authorized to oppose the passage of H. R. 15447, a bill for the investigation of controversies affecting interstate commerce, and for other purposes.

Legislation such as this bill contemplates is not sought by the railway employees, and is otherwise objectionable. We believe that the bill tends toward compulsory arbitration, which principle we oppose. We are in favor of publicity in all things pertaining to the relations between capital and labor and of any method or plan that is economically right that will minimize industrial warfare, but we do not any more believe in settlement of these questions under government domination than we do in government by injunction.

We believe that there is now sufficient law on the subject. The law approved June 1, 1898, known as the "Erdman Act," provides adequate means for mediation, conciliation, and voluntary arbitration. Anything more truly, in our judgment, be oppressive.

Yours, truly,

W. S. STONE,

Grand Chief Brotherhood of Locomotive Engineers.

J. J. HANNAHAN,

Grand Master Brotherhood of Locomotive Firemen and Enginemen.

A. B. GARRETTSON,

President Order Railway Conductors.

P. H. MORRISSEY,

Grand Master Brotherhood of Railroad Trainmen.

Mr. RYAN. Now, Mr. Chairman, I think the reading of those letters conclusively shows that there is some opposition to this bill. I have as yet failed to see where there is any demand for it. I think that answers the gentleman with regard to the

attitude of Mr. Fuller and the other officers of the different railroad and labor organizations in regard to this bill.

I believe, Mr. Chairman, with those gentlemen, that the only arbitration that can be successful is voluntary arbitration. Compulsory arbitration has been a failure and is a failure in Australia and in Canada, as any man can determine who desires to read the facts with regard to its operation in those countries.

There is sufficient law now on the statute books of this country in law of 1898, known as the "Erdman Act," and also in the act creating the Bureau of Corporations in the Department of Commerce and Labor. They have full power now to do all that is necessary for the Government to do in connection with matters of this character.

I do not believe that there is anything that can occur in this country in strikes that will be new. We have had all sorts of labor disputes. Everything that can be done by capital or labor is known, and there is no occasion for waiting until some disturbance occurs, and then permitting the President, as provided in this act, to appoint commissions with all their little perquisites and privileges, as carried by the different paragraphs in this bill.

This is not a unanimous report in favor of this bill. The Republican members of the committee are not all in favor of it. We on our side lost our friend from Texas [Mr. RUSSELL], but the gentleman from Massachusetts [Mr. LOVERING] joined with the minority, and so far as numbers are concerned, we are on an even footing.

Mr. Chairman, I am opposed to the enactment of this law. I do not believe there is a demand for it. It is indefinite in purpose. It would be a law without a penalty. It paraphrases the arbitration law of 1898, and I know of no good purpose that it would serve. Mr. Chairman, I believe the American labor organizations are entitled to more favorable consideration than is here proposed. The American wage-worker is the bone and sinew of this land. He is the means by which we excel in the world's trade. He is the one who in times of danger must bear the brunt of battle, the country's producer in times of peace, and its defender in time of war, and he is entitled to a square deal, and every fair and reasonable opportunity for advancement should be given him. I trust that no law such as is here proposed will be placed upon the statutes of this country. [Applause.]

I reserve the balance of my time, yielding ten minutes to the gentleman from Pennsylvania [Mr. NICHOLLS].

Mr. NICHOLLS. Mr. Chairman and gentlemen, I rise to oppose this measure because I believe it is substantially compulsory arbitration. According to the arguments advanced, its whole aim is to compel both sides of any labor controversy which comes within the provisions of this bill—and they are more numerous than appear on the surface of the measure—to submit to the findings of this commission. It provides that the commission shall investigate the difficulty and that then it shall recommend the means of settling the difficulty, and recommend remedies, so that there will be no recurrence. If it does not compel the parties to submit, then it is noneffective and useless. Any measure or effort of this kind should be judged according to what it does, bearing in mind the old saying, "Handsome is as handsome does;" and if this measure, which is supposed to compel through public sentiment the settlement of differences according to the findings of this proposed commission, is operative, then it actually becomes compulsory arbitration. Who will dare to refuse acceptance of its findings?

Mr. Chairman, I have been sent here, in the main, by a laboring constituency and am, in a measure, especially their Representative. I want to make the point that, first of all, our people do not want this kind of legislation. Next, the men who may be selected on such a commission may not be acquainted with the industry in which the difficulty has arisen, and therefore will not be qualified to enter into the details of the business and arrange an agreement by which the men and employers engaged in that industry must abide.

I want to point out another reason why I am opposed to this as a Representative of the laboring man, and that is that in a certain controversy that arose in the anthracite-coal regions one of the men selected to act as an umpire decided that an employer may discharge whenever he pleases, for whatever he pleases, with cause or without cause, by giving a reason or by not giving a reason.

This decision was made in a case where there was a contract binding the employers and men that worked in that industry for a period of three years. This was the finding of the Anthracite Coal Strike Commission. Now, the workmen are not going to be protected; they are practically compelled to submit their differences to men who have no knowledge of the details

of their industry, and may decide even after the contract is made between the employer and the employees; that at any minute the employer may discharge one or all of the men who are parties to that contract, leaving them absolutely without any right to participate in the benefits of that contract, and yet protect the employer from other employees, or possibly from these employees going on a strike and demanding certain conditions which will be new and better for labor. It protects the employer, but it leaves the employee absolutely at the mercy of the employer.

Now, we do not want this kind of decision. I claim that when a contract is made between an employer and his men, that unless these men fail to give good service and a reasonable amount of service, they ought not to be discharged without cause. The only cause for their being discharged ought to be that they fail to comply with the conditions of the contract and do not render good service. And yet one of these men selected under the circumstances I have stated decided that they may be discharged and prevented from enjoying all benefits of that contract at any time.

I want to point also to the fact that in the hearings of this kind, where the question is to be thoroughly brought out and explained, it will be practically a court of last resort for the settlement of that difficulty or that strike, and that it will be to the interest of both parties to do their very best and present their side of the case in its true and full light, in order that they may have the benefit of the good judgment and a chance to have the verdict in their favor.

Now, what does that require? It requires that in hearings of that kind the workmen will have to employ a lawyer; that they will have to get the services at some time of expert statisticians, as the miners had to do in the Anthracite Strike Commission hearing, which may involve great expense. It means that they will be opposed by astute lawyers employed by the corporations, and that when it comes to presenting their case as a matter of technicality, presenting it according to the recognized rules, they will have to have the services of a highly paid lawyer, or a corps of them, and the workingman will be at a disadvantage and an unfair disadvantage.

Our experience has been that the safest way is to either present the case to the employer himself, who understands what we say, who understands the common language used in that business, and not to have these terms laid aside and other language used by lawyers employed by the employers themselves to mystify those gentlemen who in all honesty may be attempting to learn the facts in regard to the difficulty.

If the employers and employees desire to arbitrate, and, as a general proposition the workingman stands for that, the organizations advocate it; that it shall be voluntary, then they can get together and select two men, or an equal number from either side, and these can select a third party to determine the matter, if they disagree. This arbitration can be carried forward in the language usually used in that industry, and the facts be brought out far more clearly than if they be brought out where there are lawyers on either side—and without any disrespect to the gentlemen who are lawyers here—for the purpose of mystifying, if it is desirable, the men there to learn the facts.

I want also to point out that this kind of commission does not finally settle any of these questions, for to settle these questions means to put them on a working basis, to work out a definite agreement between the employer and the employee, setting forth as definitely as possible the rights of either and of both sides, so that there will be little chance of disagreement. The great trouble to-day in the coal industry in the region I come from, namely, the anthracite, is that there is no definite agreement between the workingmen and their employers.

The Anthracite Coal Strike Commission, I think, did a very worthy work at the time they were appointed, at a time when the country needed some intervention in the interests of all the people; a very worthy work which I personally praised after I first read its report. But they did not settle the difficulties. They say in their report that they hope the employers and employees will get together and formulate a definite working agreement and eliminate the causes of the difficulty which they recognize still remain. It is impossible for men appointed as these gentlemen were to settle a general trouble; to go into the details. Their main purpose, and the main purpose in appointing them, was to secure peace and restoration of work in order that the people might have anthracite coal. They were not able, and it was not within their scope, to go into all the details of mining and fix a definite scale.

So that the best they could do was to give a general advance in wages, pass an opinion on this point and upon that point, and in a general way close up the difficulty and have the mines resume operations.

Gentlemen, I hope that in the interests of the laboring man in this country this bill will be defeated. I do not question the motive at all of those who press the bill. I believe the motive is good and for the best, but I am clear myself that it is not for the best interest of the laboring man, and therefore hope that it will be defeated. [Applause.]

[By unanimous consent Mr. NICHOLLS was granted leave to extend his remarks in the RECORD.]

Mr. GAINES of Tennessee. Mr. Chairman, I will ask the gentleman from New York [Mr. RYAN] to yield to me for a question. It has been stated here—possibly by the gentleman himself and the gentleman who has just taken his seat [Mr. NICHOLLS]—that this bill provides for compulsory arbitration. Will the gentleman from New York, if he believes that, please read the language from the bill upon which he bases that opinion?

Mr. RYAN. I would state, Mr. Chairman, that I did not make any such statement. I have no such opinion. I do not think the bill is compulsory, but I believe it is a step in that direction and leads to compulsory arbitration, and there is the strongest opposition to it for that reason.

I now yield the balance of my time to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I wish to pay a deserved tribute to the magnificent appeals made by the gentleman from Michigan [Mr. TOWNSEND] and the gentleman from Texas [Mr. RUSSELL] in behalf of a fair approach to this subject and their splendid portrayals of the evils attendant upon the strifes of employer and employee. The purposes of the author and supporters of this bill I believe to be of the highest, but I believe that unwittingly they are treading in a way they know not of. Freedom is dearer to me than peace; the fear of oppression stronger than the fear of strife. Fourteen years ago this subject was put up to me by the representatives of the union labor organizations of my district, when I tried then to come to Congress and was defeated by the unfortunate wave of 16 to 1 that buried me with many others in my section at that time. Many of the laboring people then thought that "compulsory arbitration," so called, was their one great demand. I then said to the people who asked, through their organization, if I would not favor compulsory arbitration, that I would not and should not for the reason that its effect would be to fasten chains around the wrists and ankles of the laboring man. Now, to-day if this measure tends toward compulsory arbitration, it tends toward the same result. Let us see, then, what is the scope of this proposed law and how far it would go. My friend from Texas [Mr. RUSSELL] says it would touch nothing practically but transportation matters and transportation employers and employees, but the reading of the bill is—

That whenever within any State or States, Territory or Territories, or the District of Columbia a controversy concerning wages, hours of labor, or conditions of employment shall arise, by reason of which controversy the transportation of the United States mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the several States and with foreign nations is, in the judgment of the President, interrupted or directly affected, or threatened with being so interrupted or directly affected, the President may, in his discretion, inquire into the same and investigate the causes thereof, in accordance with the provisions of this act.

Mark that expression, "the free and regular movement of commerce among the several States," and that further expression, "directly affected or threatened with being directly affected." The illustration given by the gentleman from Michigan [Mr. TOWNSEND] of the happy application of this measure contradicts the assumption of the gentleman from Texas, because the commission appointed by the President in the coal strike was so appointed in a struggle between miners and mine owners who were not engaged in the transportation business. But the mining of coal affords the fuel for the transportation, and therefore that controversy was directly interfering with the free and regular movement of commerce among the several States and with foreign commerce, and you can hardly find an industry that is of sufficient magnitude to attract national attention, but that that industry does directly affect interstate commerce. Any factory in the land that employs 10,000 employees where a sympathetic strike might reach to other employees could be made the subject of an interference by the President. The struggle between the employer and the laborer in many cases might, in the President's judgment, directly affect commercial intercourse between the States, and when you open the door to discretion and say that one man in this land of ours may at his discretion resort to the appointment of a commission to settle a dispute between the employee and the employer in this or that occupation if in his judgment it tends to affect commercial relations, you have opened so wide a door that all



the floods of power and tyranny will pass through and human liberty be incapable of resisting it.

Now, then, I want to take up another matter. My friend from Texas rightly conceived that if he can plant himself on any Democratic platform he has a bulwark of defense; and he has complete justification if he can place the defense of this bill upon the shoulders of a Democratic platform or the Democratic party. I want to read what the Democratic platform says, so there may be no question about it. The first utterance upon that subject was in the platform of 1896, as follows:

We are in favor of the arbitration of differences between employers engaged in interstate commerce and their employees, and recommend such legislation as is necessary to carry out this principle.

Mr. Chairman, I am to-day myself in favor of arbitration between employer and employee, and would like to have a statute so regulating arbitration that it might be followed in times of dispute.

The next utterance of a Democratic platform on the subject was in 1900, as follows:

We are opposed to government by injunction; we denounce the black list and favor arbitration as a means of settling disputes between corporations and their employees.

These are all the expressions ever used on the subject in Democratic platforms, and they in no manner hint at compulsory so-called arbitration; in the State of Texas and in every State of the Union we have laws authorizing and methodizing arbitration in case of disputes between debtor and creditor, between litigants in the court room or persons who might go to court to settle claims or disputes between them as to matters of fact involving compensation, but the very term "arbitration" means it should be a proceeding by voluntary agreement entered into between the parties. Common-law arbitration was without sanction of statutory law and without formal method of procedure. Our State, and I presume every other State, has passed statutes providing for and regulating arbitration in certain cases, and every Democrat in Texas to-day is in favor of the arbitration law that is on the statute books, and that law is not violative of any Democratic tenet, but it is not compulsory.

No more has any Democratic platform ever declared for arbitration that is compulsory or for any measure that tends to compulsory arbitration. There is not in the State of Texas—I may say, perhaps, in any State—any statute providing for arbitration in labor disputes, because that is not a question of settling a pecuniary demand by one party against another, and heretofore lawmaking bodies have not provided the rules, methods, and procedure for voluntary arbitration of labor disputes; but there might with propriety be a statutory regulation authorizing and providing a method and tribunal for arbitration by agreement between the laborer and the employer of differences between them, so as to summon witnesses and have an orderly proceeding before a court of arbitration agreed upon by them.

So the Democratic platform referred to by the gentleman stands for arbitration, but not the compulsion of this measure. When a man wants to do right he prefers to make peace with his adversary rather than go to law with him. That is not undemocratic. Let us see what this bill is, and if this is voluntary arbitration. Is it in consonance with the spirit of our statutes in our state laws? Is it in consonance with the spirit of the Master, who said, "Make peace with thy adversary," or is it another measure? Is it compulsory arbitration? I take it, it is compulsory arbitration, if it is arbitration at all; not that it says so, but it is compulsory something. I know the gentleman who has so kindly given me part of his time confesses or says it is not compulsory arbitration; but let us see what it is. There is nothing voluntary about it; no agreement of parties contemplated. It is compulsory because it compels the parties to a dispute not to abide the result in terms of law, but to submit their case for inquiry and investigation to a commission appointed without their consent.

Whenever the President in his discretion decides that it is desirable to investigate, the parties to this controversy are brought before this commission, subpoenas are issued, and—either party or both parties protesting—they are brought into court and witnesses are examined, the evidence is heard, the books are sent for, a search is made, and that case is tried before the commission. Is that voluntary? Is it arbitration of any kind? It is tried, and the findings of that commission go to the public. Well, now, Mr. TOWNSEND confesses that the findings of this commission are in a powerful degree compulsory in their effect, and every Member of this House knows that when that trial has been had with unwilling litigants the result of the finding is calculated and tends to produce public sentiment that will be all powerful. Now, you have a compulsory trial,

you have findings that the gentleman from Michigan says will be all powerful, what do you lack of having compulsory arbitration? You have, indeed, a tribunal created at will by the President that may thrust itself into almost any and all disputes, at the request of either party, or over the protest of both parties.

Let us see about this matter a little further. I want to say that if your commission should be biased or prejudiced, acting under the forms of law as an unbiased and unprejudiced tribunal, taking an oath as judicial investigators of the questions between the parties, if the losing party be in the right, there has been piled up a mountain of obstructions for him to overcome before the public. His case would be lost in public opinion and it would be almost impossible for him to overcome the prejudice that would be raised if a popular President with strong bias on a given question or controversy were to appoint a commission composed of strong men having like bias with himself. Just think of it.

Now, suppose we had a President of strong prejudices and strong bias, who sees a controversy upon an issue on which he has a very vigorous opinion; he is called on, or in his own discretion he sees fit, to appoint a commission to go and investigate it. He selects that commission and the commission would be likely to have the bias of the President who selected the commission. Your commission, viewing through its biased spectacles, stands before the world and country as an impartial commission. What a mountain of obstruction is in the way of the losing side, whether it be the laborer or employer, when that commission finds its verdict against the claim of the loser. And if the bias of the President in any controversy between capital and labor should become known, how surely would that side toward which the President leaned appeal to him to exercise his discretion and appoint his commission. For my part, I think the bill in that one feature is more vicious than a bill that would constitute a permanent commission to settle all questions between labor and capital by compulsory arbitration. Suppose we had a vital, virile President, with his political aspirations, perhaps, involved? A Gompers might be on one side. What sort of commission would investigate questions involving Gompers's contentions if the present President, with all the honesty, with all the manhood one can conceive of, were to appoint the commission to investigate the issue? Naturally the issue would be discolored and distorted by the local political and temporary conditions that surrounded the appointment of the commission. But that is not all I wish to call to your attention. This is not an ordinary proceeding. This arbitration (?) is not statutory, voluntary arbitration.

In my State, when the arbitrators agree, or the parties agree upon arbitration, if the one side loses and concludes it has been unjustly found against, there is a provision whereby he may appeal to the courts and right the wrongs that have been done.

But this commission mentioned here is a court of final resort. There is no appeal. The prejudice that may be unconsciously injected among the members of the commission gives the final decision of that matter for the public consumption. Let us have the parties first try and agree upon their arbitrators, if we are going to have arbitration. If we are to have five arbitrators at least let the parties each select two of them, and let those select a fifth, but do not let us have in this land of ours one man, be he President even, who in his discretion may grant authority to decide your rights, or mine, your quarrel or mine, in a way that is unalterable and irreversible.

Now, then, one thing further. The gentleman from Alabama [Mr. RICHARDSON] said that half the laws that have been passed and matters that have been gone into that are violations of the strictest construction of the Constitution in this land, for the last ten years have had their origin in commissions. It does seem to me that this country has gone commission mad. Think of the hundreds of commissions that are to be appointed and are requested to be appointed by the administration to-day, and that are being multiplied as each succeeding sun rolls its course across the pathway of heaven from morning to evening. We have got commissions for this, we have got commissions for that, we have a recommendation in the President's message that proposes that every company that does any interstate business shall be subject to the control of a commission appointed by the administration. And what corporation is there in this land that does not do an interstate-commerce business? Absolutely none, under that broad and liberal interpretation which sometimes pervades the council of our national administration. I want to tell you now, if the spirit of the President's message is followed out there will be a commission to investigate child labor on the farm, and the hours of school for children attending in the country. Your beef packer in one State, and your tomato canner in another, must be engaged in interstate commerce, and therefore the question of how we employ him, or how

many hours he may work, will not depend any more upon state legislation, but upon national legislation.

I want to tell you that, in my judgment, the greatest danger to this country to-day is discretionary power, the power of those in authority. The President has appealed from the day he entered into office to Congress to grant more discretion to the head of the Government. He has asked us to repeal that part of the Sherman antitrust law forbidding pools and combinations, and leave to railways the privilege of entering into combination with the consent and approval of the President. Give the President discretion to approve a pooling combination made between this railroad and that railroad; give the President the discretion to approve the buying up and monopolization of a certain industry, and all harm is gone from the pooling and the monopoly. That means that the President will have the power of life and death over the industries and corporations of this country. The rule of discretion is destructive of the rule of law. The love of freedom is for the rule of law; the love of tyranny is for the rule of discretion. I know that I am dealing with a subject that now engages the attention of all of our people when I speak of injunction. It is not the fact so much to me that juries are not allowed to pass upon charges of indirect contempt, or contempt of court committed outside of the court room, but it is the fact of the growing practice of courts in injunction proceedings in issuing blanket injunctions and then arresting masses of people for alleged violations of those injunctions and bringing them before courts and imposing penalties not fixed by law that to my mind abolishes the first principle of human freedom. Even the old Greek republics declared that no act or crime should be punished unless it was defined and a specific penalty fixed therefor by law.

The Roman Republic followed that up. My State has a constitutional provision that no act or omission shall be penal unless defined by law and the penalty fixed. We hear of strikes and injunctions, and a thousand and one acts are made criminal not by statute but by order and decree of the court declaring the party guilty and fixing his punishment in the sound or unsound discretion of the court. The penalty for what is decreed to have been committed in violation of a court order is fixed, not at \$25, as prescribed in a law, but at imprisonment in jail or some other penalty, in the discretion of the court. To-day we have district courts that should administer the law, preserving unto every man his rights under the law, acting under this discretionary court power, binding and loosing, fining and imprisoning, not in accordance with any law, human or divine, but only in accordance with their own wills. It is destructive of the simplest rights of the American citizen. This is not a time to extend and enlarge discretionary power. This bill is unlimited in its scope of authority for the President to appoint his commission, and that commission is unrestricted and final in its findings, binding the laboring man or capitalist, as the case may be. Now, it seems to me that maybe I have engaged in a little digression upon this matter when I speak of injunctions, but it illustrates the danger of clothing officials with discretionary power. The danger of the anarchist, who would defy and destroy all authority, is not greater than the danger of allowing high and grasping officials to usurp all authority and power. Yet our whole tendency is to enlarge the discretionary power in our executives and our judicial officers.

I want to tell you that the last seven years—I believe I will go no farther back than that—have done more to reverse the principles upon which our Government was founded, to destroy the simple faith of our fathers in a free government of men under the reign of law, and to inaugurate an era of centralization and discretionary power than the hundred years before it had done. I want to say that under our theory of government this country should be a government of law and not of discretion, and when you depart from the principles of fixing the responsibilities and rights of the people and of officials by statute and leave to your executive officials the discretionary power to fix them, and clothe your courts with wide discretionary power, you destroy the very bulwarks of liberty. We have had Roosevelt, with his powerful personality, individualism, initiative, and popularity. He has swept away the bearings of constitutional and legal restrictions and carried us a long way from our moorings. We want a new Thomas Jefferson, who will revive the principles of the Democratic party and bring back government by law in this country. [Loud applause on the Democratic side.] Who will right the ship of state and, with the Constitution for chart and statutory laws for a compass, save her from the rocks of empire and centralization and guide her back into the calm waters of sovereign States and sovereign United States, each supreme in its sphere, and who will not seek for fame or grasp for power, but only labor for his people's freedom and happiness and only ask for their love. I

yield the balance of my time to the gentleman who gave it to me, and ask to revise and extend my remarks in the Record.

Mr. RYAN. What time have I remaining?

The CHAIRMAN. The gentleman from New York has ten minutes remaining. The gentleman from Texas asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. RYAN. I reserve the balance of that ten minutes.

Mr. COCKRAN. Mr. Chairman, I should state at the beginning that with seven-eighths of what has been said by my friend from Texas I am in most hearty accord, and it is because of my concurrence with his reasoning that I am utterly at variance with his conclusion. [Laughter.] I am irreconcilably opposed, as he is, to government by arbitrary or capricious discretion and in favor of government by fixed rules and well-defined authority. Where a difficulty beyond the ordinary resources or powers of government arises I believe it should be dealt with, not by the whim or judgment of an individual, however wise or exalted, but by the force of public opinion; that is to say, by the conscience of a nation. It is for these reasons that I rise to support the pending measure. During the twenty years that I have been either an observer or a Member of Congress not a single measure submitted to the House, I venture to say, promised results so advantageous to the progress of civilization as this one now pending before us. That, Mr. Chairman, is a strong statement, and strong expressions which are not justified always react against the person using them.

Realizing this fully, I undertake to satisfy any reasonable man on either side of this House that the question with which this bill attempts to grapple involves a peril of the utmost gravity, not to this Government alone, but to civilization itself; and that the only method by which we can hope to deal with it successfully is the one prescribed in the terms of this measure.

Now, let me begin, sir, by dispelling a cloud of misapprehension that seems to have settled down over this entire discussion. The letters read here from the desk, which were furnished by the gentleman from New York [Mr. RYAN], his whole argument, the argument made by the gentleman from Pennsylvania, and the argument made by the gentleman from Texas, all joined in one note, and that was an expression of vehement opposition to compulsory arbitration in labor disputes.

Mr. Chairman, there is no one here more bitterly opposed to an attempt at establishing compulsory arbitration in labor disputes in this country than I. I say an attempt, because such a system can never be actually established under our system of government. It is not merely inconsistent with the Constitution under which we live, but it is inconsistent with the very existence of free labor, and that means inconsistent with Christian civilization. For if I were asked to define the economic fruit of Christianity, I should say it was freedom in labor, as the ultimate political fruit of Christianity is institutions of freedom and equality. How could compulsory arbitration be enforced? It could be enforced only by compelling the laborer to continue his labor, even on terms that were not agreeable to him, and that would be servitude, or else by compelling the employer to pay the laborer higher wages than the condition of his industry will permit.

But if the employer be compelled to pay higher wages than the volume of his product can afford, the necessary result must be his bankruptcy, in which case he can not pay any wages or employ any laborers. There is but one condition under which enforced labor is conceivable, and that is servitude. But servitude, thank God, has been abolished forever from this land and from all Christendom.

No man can ever be coerced to work in this country under any circumstances by decree of a court, award of a board, or any other agency, public or private. So much for compulsory arbitration.

Now, what does this bill provide, Mr. Chairman, putting aside at once all idea of compulsory arbitration? It does not undertake to provide a means of settling labor disputes by arbitration or otherwise. It seeks to deal with a problem which can not be solved by any agency now within the reach of civilization. It recognizes a difficulty, and a grave one, but it does not pretend to offer a solution. The history of the past furnishes no light by which we can deal with this portentous peril. In the pathway of civilization, by the operation and force of its progress, a difficulty has arisen without precedent or parallel in the experience of mankind peculiar to an industrial condition based on free labor.

The slave never raised a question as to his compensation. Glad to escape the lash, he accepted without question the crust of bread doled out to him by his owner. But the free laborer demands a share of the commodities or wealth produced by the



joint effects of his toil and the capital which made his labor fruitful. Discussions, disputes, or differences between the employer on one side and the laborer on the other as to what that share should be constitutes a burning question, irrepressible, and up to the present time unsolvable by legislation or any other agency of government. If this measure pretended to offer a definite or complete solution of this problem I should regard it with profound suspicion. Indeed, I should absolutely oppose it, because I know that for this question no solution at all definite or complete has been as yet evolved from the processes of civilization.

But for that reason I do not despair that a solution will be ultimately reached. Labor disputes are a serious obstacle to the progress of civilization, and I know that civilization will not be arrested and Christian society will not be disrupted. I believe civilization is moving to a solution of this problem steadily even though we can not as yet discern the outcome, and I believe this measure will operate to facilitate progress. There is but one method, it seems to me, by which industrial peace can be maintained, and that is by public opinion enlightened and informed of the facts in every dispute. These disputes are occurring every day. They are a species of civil war, except that they are vastly more destructive. Wherever two nations engage in conflict or wherever one nation becomes divided into hostile forces, the results are disastrous to life, property, and industry. But whatever may be the ravages of torch or sword, whatever destruction may be accomplished by bursting shells and marching hosts, whatever wounds may be inflicted by rage and violence, the imperious necessity of repairing them operates to bring together the victims in cooperation so close and active that patriotism develops new fervor sufficient to obliterate the worst injuries that war can inflict. But these industrial wars are not confined to a frontier or even to different parts of one country.

They are differences that separate into hostile forces every population and spread violence and hate so far as almost to resolve society into its original elements. In the course of these struggles we have seen not merely a suspension of industry, but we have witnessed deeds of violence perpetrated and suffered, not by the deprived and the vicious, but often by men and even women who under normal conditions are the very foundations of our industrial system, the pillars upon which a constitution of freedom must always rest.

Now, Mr. Chairman, we can not close our eyes to the fact that in these disputes the judgment of but one tribunal is ever of any effect, and that is the tribunal of public opinion. The weapon which the striker uses, his opponent would persuade you, is always the bludgeon or the paving stone. I believe that is a libel upon him. I think it is rather a rare exception when the striker resorts to violence. In more cases, perhaps, than we suspect the violence which is charged to him is violence to which he is encouraged, driven, entrapped by emissaries more or less direct of his employer.

But there is one force before which employer and employee always yield, and that is public opinion. To persuade it that the cause of right is with one side or the other is the object to which all the energies of both are invariably directed. Accusations and recriminations are the weapons with which both sides seek to work, with the result that public opinion is mystified and unable to determine for itself the truth or the falsity of the statements on either side. Were public opinion once informed on these questions, it would decide them upon the spot, and always with absolute justice. You can not find or point to me in the history of mankind a single instance where the public opinion of a community fully enlightened on the facts—mind I say fully enlightened on the facts—ever decided a question except according to right and justice. Now these strikes are prolonged, sometimes into weeks and months, by the difficulty of determining the exact facts of them. And all this bill attempts, all that any well-considered measure could contemplate, is to make these facts clear to the public, by whose conscience and judgment they will be determined.

That this is the actual purpose of this measure its opponents concede. If it were not for a certain tendency to the use of misleading terms, I believe there would scarcely be a division of opinion upon the merits of this proposal. When I say a tendency to use misleading phrases, I do not mean an intention to use phrases with a deliberate desire to mislead others. I mean simply a certain tendency to the improvident use of words. The gentleman from Texas [Mr. RUSSELL], if he will allow me to say it, strikingly illustrates that tendency. This minority report illustrates it. For the complaint against this measure is that it is intended to create a public opinion that will force obedience to its conclusions. But to doubt the capacity of public opinion to decide every question is to impeach the existence of this Republic.

Mr. NICHOLLS. Will the gentleman permit a question?

Mr. COCKRAN. Undoubtedly, sir.

Mr. NICHOLLS. Is it not true that public opinion in such a case would be formed almost entirely upon the findings of the commission and in part upon the way that the parties to the controversy presented their case and the understanding that the public might have of the terms used in presenting it?

Mr. COCKRAN. The gentleman's questions rather contradict each other. I will separate them into three, for I understand him to put three inquiries. If you ask me whether public opinion would be controlled absolutely by the findings of a commission, I answer no, but if the commission pursue its inquiry, as it must under this bill, in the open light of day, and if the people are convinced that it has pursued an honest investigation and that everybody concerned has been heard, then I think its conclusion would have some, though not conclusive, weight with public opinion, which, thank God, in this country reaches conclusions for itself when evidence is attainable, and all the evidence will be attainable under this measure. If this were a proposal to refer the conclusion of large industrial questions affecting the working of many thousands to a commission meeting in a back room, though it were a commission of angels, I should oppose it. The essence of sound conclusions is publicity.

Mr. NICHOLLS. I should like to ask another question.

Mr. COCKRAN. Certainly.

Mr. NICHOLLS. In case of a controversy involving a great corporation and many thousands of its employees, would it not naturally follow that the corporation would employ the most able counsel it could secure in preparing its case and send for large numbers of witnesses at great expense?

Mr. COCKRAN. If the gentleman asks me to answer that categorically, I should say experience shows, no matter what lawyers they employed, that great interests have never yet been able to becloud public opinion; and the purpose of this measure is not merely to have the commission pursue its inquiry subject to the scrutiny of lawyers, but subject to that infallible force, public opinion fully enlightened as to the facts.

Mr. NICHOLLS. Would it not be necessary, then, for the workers to meet the employers by employing the most able counsel they could afford to secure and pay for and to go to the utmost extent of their ability to bring in witnesses, at expense to themselves, in order to present their case in the best possible light?

Mr. COCKRAN. The gentleman is putting to me a hypothetical question again, and his hypothesis is contradicted by the facts of experience. The one case that we know of—the Anthracite Coal Commission—found practically in the interest of the miners, who in that controversy were compelled to face the most powerful industrial and financial combination of the world, with resources practically limitless.

Mr. NICHOLLS. Now, if the gentleman will permit me—

Mr. COCKRAN. Certainly.

Mr. NICHOLLS. I might inform him that the anthracite employees had to pay large sums of money for lawyers and witnesses, and that it was a great disadvantage to the organization of the miners to have to prepare and present the case, because through them only a small fraction—

Mr. COCKRAN. With all due respect to the gentleman, I must interrupt him, because time is going. I decline to take the testimony of the gentleman as conclusive on that point. So far as I know, every party to that controversy expressed himself as highly satisfied with the outcome. I have yet to hear, outside of this interruption, a single person complain of its expense. But, Mr. Chairman, if the expenses were waived it would be a complaint against our whole system of government, because every inquiry must involve examination. The alternative here, according to the gentleman himself, is between this inquiry, which he concedes will be perfect, but is expensive, and no inquiry at all.

Now, I repeat what I was about to say when interrupted—that the foundation of this Republic is faith in public opinion. There is no other. We build our hope in the perpetuity of our Government on the belief that public opinion always will and always must be right. To its conclusion we refer every question and issue of public importance. We recognize here no principle of divine right. We do not consecrate any man to the business of government under a belief that he will never err voluntarily or involuntarily. We build our entire system, the security of our property, the safety of our lives, the enjoyment of our liberties, upon that one assumption—that public opinion is infallible and incorruptible. [Applause.]

Now, my friend from Texas [Mr. HARDY] pictures to us an awful condition. He says that this commission may develop such facts in the course of some inquiry that public opinion will compel obedience by disputants to its conclusions. Sir, it is because of that hope that I support this measure; it is

because I believe that there is in society a reserved power to protect itself that I support this measure, which will give the people of our country full and accurate knowledge of facts deeply concerning their own welfare, confident that upon such knowledge public opinion will build a conclusion absolutely infallible, entirely consistent with right, justice, and public policy. We have had one instance of it.

Mr. HARDY. Will the gentleman allow another interruption?

Mr. COCKRAN. Delighted.

Mr. HARDY. I understand that the gentleman contends that there can be no compulsory arbitration?

Mr. COCKRAN. It is unthinkable, impossible.

Mr. HARDY. If public sentiment and public opinion are created by this proceeding, is not that as near compulsory arbitration as it is possible?

Mr. COCKRAN. Yes, yes; but by whom will the compulsion be exercised? By that power which under God we must consider infallible; and compulsion by public opinion will prevent compulsion by employer and employee alike. We remove the conclusion above the influence of passion. We compel these two forces, whose quarrels have placed at each other's throats in conflict hands that should be employed in useful production, to stand aside and let the controversy be decided by the judgment and in the interest of the great third party, the public.

Mr. HARDY. But under this bill the agency that creates the opinion is appointed by discretion or at the selection of one individual, is he not?

Mr. COCKRAN. Opinion created, did you say? The opinion is created by God Almighty. If you ask me who informs the opinion, that is another question.

Mr. HARDY. What is the agency that represents the opinion?

Mr. COCKRAN. Do you mean the agency that enlightens opinion? The agency is this commission, and the only one that could discharge such a function effectively.

Mr. HARDY. Selected at the discretion of one man without the consent of the other party.

Mr. COCKRAN. Because neither party consents is the reason that it becomes necessary.

If both parties consented, then it would not be essential to pass such a measure, and here I want to answer a suggestion of the gentleman from Pennsylvania [Mr. NICHOLLS] and also a suggestion of the gentleman from Texas [Mr. HARDY]. Both say that voluntary arbitration is preferable to this. I agree with them. But this measure does not preclude voluntary arbitration. It leaves the field wide open for that.

Not until through the failure of one or the other or both arbitration has become impossible, not till they have declined to settle their disputes themselves by peaceable methods and the community is torn by the spectacle of violent conflict and perhaps its very existence imperiled; then and then only can this bill come into operation and this commission named by the President under such circumstances proceed to tell us—us, the victims of this tragedy—how it is that our means of transportation have been disturbed, our supply of coal lessened, our food supply imperiled, our lives and our health placed in jeopardy. If anybody can recall the experience through which we passed but a few years ago, he will realize that this is the extreme limit to which a remedial measure can extend. The gentleman from Pennsylvania [Mr. NICHOLLS], I assume, is somewhat familiar with the history of the anthracite coal strike. Let me give you an experience of my own in connection with that momentous event.

A number of gentlemen were invited to assemble in the house of the late Andrew H. Green, of New York, to consider the situation, when it was announced that the coal supply of the country was practically exhausted. By a merciful Providence we had been spared the severe weather usually expected toward the end of October, and we were invited to take advantage of this respite from the rigors of winter in an effort to devise some plan by which we could arouse public opinion to compel a close of the strike. When we assembled, the first suggestion to be considered was the appointment of a committee to wait upon the governor of Pennsylvania and ask him to convene the legislature, with a view to ending the disturbance. One member present, however, suggested that if they could tell the governor of Pennsylvania how to end that strike it would not be necessary to send a committee. He would fly on the wings of the wind to discover a solution of the difficulty. Even if all the power of legislation were placed in our hands, we found that it would be impossible to draft a bill that approached a settlement of the question. Not merely was it impossible to draft a bill that both sides would accept. It was impossible to draft a bill that one side would accept. The problem transcended the capacity of civilization. The difficulty was beyond the power of government or civilization to solve.

But I recur to the statement with which I began. Though no one now can see how labor difficulties are to be averted, this measure is a step in the direction of a solution. What that solution may be neither you nor I nor any man living can say. But we have exhausted the powers of civilized society when we realize that the force which must establish or restore peace is the same force on which this Republic rests—that public opinion which expresses itself in every law that is written on the statute books, the study of which explains that extraordinary popularity of the present incumbent of the White House, which the gentleman from Texas has described. That public conscience we must furnish the means of enlightening. Fully informed, it will move step by step to solve this difficulty as it has solved every other difficulty in the pathway of civilization. Gentlemen object that this bill provides for recommendations to Congress. Can there be any objection to that? If this commission discovers a peculiar condition in any given labor disturbance, there is no reason why it should not report its findings to this body and let Congress judge for itself whether the remedy suggested or some other may meet that peculiar condition.

But the fact which it is necessary for this House to realize is that while we can not avert industrial disputes by any one measure, we can provide machinery by which the one force capable of dealing with them shall be kept constantly enlightened, and therefore always effective. As each disturbance is investigated it will present some peculiar conditions with which the State can grapple, and thus, whether it be by judicial decision or whether by legislative enactment, a body of law will gradually be built up to meet the growing exigencies of this most complex element in our civilization. I appeal to gentlemen on both sides, especially to those of my own political faith, to remember that our common history is a glorious one of intelligence and patriotism, holding the light of civilization and of progress before the footsteps of humanity; and now when this House approaches a subject so momentous, let us unite to keep that light full upon the pathway which will lead us to a solution of all these problems and make of the difficulties which confront us stepping stones to a more perfect peace, a firmer happiness, a more splendid civilization. [Applause.]

Mr. TOWNSEND. Mr. Chairman, inasmuch as we can not close the debate to-night, and as there are two or three other gentlemen who have expressed a desire to speak, I move that the committee do now rise.

The motion was agreed to, and the Speaker having resumed the chair, Mr. OLMSTED, the Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 15447) to provide for the investigation of controversies affecting interstate commerce, and for other purposes, and had come to no resolution thereon.

#### BUILDING FOR CIVIL SERVICE COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith a communication from the Civil Service Commission submitting draft of a bill for the purchase of a site and the erection of a building for the Civil Service Commission, and calling attention to its need for a new building and the desirableness of erecting such a building instead of renting one. I approve the recommendation of the commission and ask that it be given careful consideration by the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 10, 1908.

#### REPORT OF ISTHMIAN CANAL COMMISSION.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

*To the Senate and House of Representatives:*

In compliance with the provisions of the act of Congress entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, I transmit herewith the annual report of the Isthmian Canal Commission for the fiscal year ended June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 10, 1908.

#### RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communication, which was laid upon the table:

DECEMBER 9, 1908.

*TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:*

I have this day transmitted to the governor of North Carolina my resignation as a Member of the Sixtieth Congress, to take effect on the 11th day of January, 1909.

I have the honor to be,  
Respectfully, yours,

W. W. KITCHIN, M. C.,  
Fifth District of North Carolina.



## ADJOURNMENT.

Mr. TOWNSEND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of New Haven Harbor and the rocks in Morris Cove, Connecticut—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Tuckahoe River, Maryland—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Plymouth Harbor, Massachusetts—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cowlitz River, Washington—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Penobscot River, Maine—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Port Chester Harbor, New York—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Neversink and Delaware rivers—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bayou Terrebonne, Louisiana—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Great Pedee River, South Carolina—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bellingham Harbor, Washington—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture, submitting an estimate of appropriation for general expenses of Bureau of Animal Industry for the fiscal year ended June 30, 1908—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Auditor for the Post-Office Department, submitting a recommendation authorizing the chief clerk in the auditor's office to act as auditor in certain cases—to the Committee on Expenditures in the Post-Office Department and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting statements of moneys arising from proceeds of public property during the fiscal year ended June 30, 1908, which were not paid into the General Treasury, together with statements of all payments therefrom—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for purchase of land and change in railroad system for navy-yard in Washington—to the Committee on Naval Affairs and ordered to be printed.

A letter from the Comptroller of the Currency, transmitting the annual report for 1908—to the Committee on Banking and Currency.

A letter from the Secretary of War, transmitting reports of inspections and disbursements and transfers, by officers of the army, received in the office of the Inspector-General during the past fiscal year—to the Committee on Expenditures in the War Department.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 22500) granting a pension to Charles S. Swain—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22605) granting a pension to H. R. Lett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22607) granting a pension to Andrew J. Smith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18220) granting an increase of pension to Selden M. French—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 22712) granting an increase of pension to John Gallagher—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BINGHAM, from the Committee on Appropriations: A bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes—to the Union Calendar.

By Mr. ENGLEBRIGHT: A bill (H. R. 23465) extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 23466) to provide for the erection of a public building at Brookings, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 23467) declaring the selling, exchanging, or giving away any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle in the District of Columbia a misdemeanor—to the Committee on the District of Columbia.

By Mr. WANGER: A bill (H. R. 23468) to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901—to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS (by request): A bill (H. R. 23469) fixing the number of infantry regiments in the United States Army, providing for a chief of infantry, etc.—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 23470) concerning appeals in certain cases—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 23471) directing the Secretary of War to ascertain the amount of money expended by the State of Texas between January 1, 1866, and December 31, 1876, inclusive, and report the same to Congress for its consideration—to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 23472) providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Everett—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 23473) extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation, in Wyoming—to the Committee on the Public Lands.

By Mr. LOUD: A bill (H. R. 23474) to incorporate the American Institute for Drug Proving—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: A bill (H. R. 23475) to promote the administration of justice in the navy—to the Committee on Naval Affairs.

By Mr. ACHESON: A bill (H. R. 23476) authorizing the Secretary of War to acquire sites and enter into contracts for the construction of certain dams—to the Committee on Rivers and Harbors.

By Mr. THOMAS of North Carolina: A bill (H. R. 23477) amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of

dutiable goods, and for other purposes"—to the Committee on Ways and Means.

By Mr. WILEY: A bill (H. R. 23705) to increase the appropriation for a public building at Troy, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. BATES: Resolution (H. Res. 449) providing for a clerk for the Committee on Disposition of Useless Executive Papers—to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 23478) granting a pension to Wesley Stevenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23479) granting a pension to John Buettner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23480) granting a pension to John M. Tracey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23481) granting a pension to Samuel V. Templin—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 23482) granting an increase of pension to Daniel W. O'Neill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23483) granting a pension to Emma Hooper—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 23484) granting a pension to Charles M. Baughman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23485) granting a pension to Matilda Merrick Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23486) granting an increase of pension to James M. Beeber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23487) granting an increase of pension to Frank M. Reid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23488) granting an increase of pension to James C. Dill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23489) granting an increase of pension to John M. Davis—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 23490) granting an increase of pension to Phillip Schwab—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 23491) granting an increase of pension to Mary Whelchel—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 23492) for the relief of Angeline C. Burgert—to the Committee on Claims.

Also, a bill (H. R. 23493) granting an increase of pension to Charles W. J. Strong—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 23494) granting an increase of pension to Henry H. Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23495) granting an increase of pension to Jason Kester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23496) granting an increase of pension to Seymour S. Wirtz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23497) granting an increase of pension to John Haun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23498) granting an increase of pension to Jacob Rasp—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23499) granting an increase of pension to Nicholas D. Maffett—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 23500) granting an increase of pension to John Matthias—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 23501) granting a pension to Frances Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23502) granting a pension to William Skillen—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23503) granting an increase of pension to John H. Styles—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 23504) granting a pension to Mary Nagle—to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 23505) granting an increase of pension to William T. Brown—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 23506) for the relief of Mrs. William C. O'Brien—to the Committee on War Claims.

Also, a bill (H. R. 23507) granting an increase of pension to William Evinger—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 23508) granting an increase of pension to Madison Mosher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23509) granting an increase of pension to Phillippe Lehman—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 23510) granting a pension to Franklin Hinkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23511) granting a pension to Katie Cushman—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: A bill (H. R. 23512) for the relief of Frank Wyman, postmaster at St. Louis, Mo.—to the Committee on Claims.

By Mr. CHAPMAN: A bill (H. R. 23513) granting an increase of pension to David Gibney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23514) granting an increase of pension to Jeremiah C. Wooten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23515) granting an increase of pension to James F. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23516) granting an increase of pension to William J. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23517) granting an increase of pension to Albert L. O'Neal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23518) granting an increase of pension to George Limerick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23519) granting an increase of pension to Thomas C. Lumm—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 23520) granting a pension to Henry G. Brough—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 23521) granting an increase of pension to Elizabeth Drayden—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 23522) granting an increase of pension to George A. Cox—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 23523) granting a pension to Charles Warner—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 23524) granting an increase of pension to John J. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23525) granting an increase of pension to Daniel S. Carmony—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23526) granting an increase of pension to Henry H. Manley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23527) granting an increase of pension to Wales W. Wood—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 23528) granting an increase of pension to Hiram L. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23529) granting an increase of pension to David Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23530) granting an increase of pension to Isaih Lochard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23531) granting an increase of pension to Alexander Roe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23532) granting an increase of pension to Felix G. McMinimy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23533) granting an increase of pension to Fred M. McKenzie—to the Committee on Pensions.

Also, a bill (H. R. 23534) granting an increase of pension to James A. Fogle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23535) granting an increase of pension to Charles A. Hobart—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 23536) granting an increase of pension to Taylor Hance—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 23537) granting a pension to Joseph M. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23538) granting a pension to Charles O. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23539) granting a pension to Marcus M. Knott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23540) granting an increase of pension to James N. Jagger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23541) granting an increase of pension to Noah W. Bowman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23542) granting an increase of pension to Leslie Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23543) granting an increase of pension to Albert Preston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23544) granting an increase of pension to Henry C. Pressler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23545) granting an increase of pension to George W. Walker—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 23546) granting an increase of pension to William Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23547) granting an increase of pension to Josiah H. Davis—to the Committee on Invalid Pensions.



Also, a bill (H. R. 23548) granting an increase of pension to Arthur L. Currie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23549) granting an increase of pension to Simon Kornman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23550) granting an increase of pension to James Conway—to the Committee on Pensions.

By Mr. HAGGOTT: A bill (H. R. 23551) granting a pension to Edward Dooley—to the Committee on Pensions.

Also, a bill (H. R. 23552) granting an increase of pension to Gustavus Zacharias—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: A bill (H. R. 23553) granting an increase of pension to Isaiah Ware—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 23554) granting an increase of pension to Joseph P. Gass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23555) granting an increase of pension to David Searles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23556) granting an increase of pension to Bernard V. Forshee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23557) granting an increase of pension to John Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23558) granting a pension to William Bills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23559) granting a pension to Wesley H. Crockett—to the Committee on Pensions.

Also, a bill (H. R. 23560) granting a pension to David Kuney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23561) authorizing the appointment of Charles E. Dority as a captain, Philippine Scouts—to the Committee on Military Affairs.

Also, a bill (H. R. 23562) for the relief of Samuel Washburn, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 23563) for the relief of Richard Stines—to the Committee on Military Affairs.

Also, a bill (H. R. 23564) granting relief to certain members of the Seventh Michigan Cavalry, war of the rebellion—to the Committee on War Claims.

By Mr. HAMLIN: A bill (H. R. 23565) granting an increase of pension to John T. Norris—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 23566) granting a pension to Edward F. Denny—to the Committee on Pensions.

Also, a bill (H. R. 23567) granting an increase of pension to John F. Cahill—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 23568) granting a pension to William H. Longdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23569) authorizing the payment to Dorence Atwater of compensation for services rendered the United States of America—to the Committee on Claims.

By Mr. HINSHAW: A bill (H. R. 23570) granting an increase of pension to Alexander Sample—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23571) granting an increase of pension to Celia McKenney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23572) granting an increase of pension to Lyman Blowers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23573) granting an increase of pension to Francis Westerfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23574) granting an increase of pension to Samuel W. Brees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23575) granting an increase of pension to William L. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23576) granting an increase of pension to W. E. Warthen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23577) granting an increase of pension to William Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23578) granting an increase of pension to James Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23579) granting an increase of pension to Joseph T. Roller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23580) granting an increase of pension to Oliver Freel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23581) granting an increase of pension to Benjamin F. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23582) granting an increase of pension to Peter New—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23583) granting an increase of pension to William H. Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23584) granting an increase of pension to Enos H. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23585) granting an increase of pension to William P. Fulmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23586) granting an increase of pension to Daniel Arbuckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23587) granting a pension to Fred Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23588) to correct the military record of August Miltner—to the Committee on Military Affairs.

By Mr. HOUSTON: A bill (H. R. 23589) granting an increase of pension to Lee Lafavor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23590) granting an increase of pension to Samuel L. George—to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 23591) granting an increase of pension to David Honeywell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23592) granting an increase of pension to William H. Polhamus—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 23593) granting an increase of pension to Isaac H. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23594) granting a pension to Julia A. Smalley—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 23595) granting an increase of pension to John B. Peters—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 23596) granting an increase of pension to Jesse K. Freeman—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 23597) granting an increase of pension to David Turket—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23598) granting a pension to Mary E. Stannard—to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 23599) for the relief of the widow and children of John W. Geering, of Vallejo, Cal.—to the Committee on Claims.

By Mr. KEIFER: A bill (H. R. 23600) granting an increase of pension to Emily McGee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23601) granting an increase of pension to John Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23602) granting an increase of pension to Julia B. Drum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23603) granting an increase of pension to Daniel Ehle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23604) granting an increase of pension to John C. Shaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23605) granting a pension to Mary Shoemaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23606) granting a pension to Mary E. J. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23607) granting an increase of pension to John Southard—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 23608) granting a pension to T. P. Godfrey—to the Committee on Pensions.

Also, a bill (H. R. 23609) granting a pension to Wade H. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 23610) granting an increase of pension to George Young—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 23611) granting a pension to Levis T. Houk—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 23612) granting a pension to Juliette E. Perry—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 23613) granting a pension to Adella I. Cummings—to the Committee on Invalid Pensions.

By Mr. MCKINLEY of Illinois: A bill (H. R. 23614) granting an increase of pension to Henry L. Penny—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 23615) granting an increase of pension to Alvaro B. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23616) granting an increase of pension to Nelson Haggerty—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 23617) granting an increase of pension to Alonzo Williams—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 23618) granting a pension to Charles Viator—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 23619) for the relief of James Nipper—to the Committee on Military Affairs.

Also, a bill (H. R. 23620) for the relief of the estate of Lewis Patterson, deceased—to the Committee on War Claims.

By Mr. MOUSER: A bill (H. R. 23621) granting an increase of pension to William B. Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23622) granting an increase of pension to John H. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23623) granting an increase of pension to Julius Leffingwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23624) granting an increase of pension to Louis Etchen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23625) granting an increase of pension to Isaac C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23626) granting an increase of pension to Henry M. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23627) granting an increase of pension to James Milton Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23628) granting an increase of pension to William Held—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23629) granting an increase of pension to John Ingerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23630) granting an increase of pension to John Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23631) granting an increase of pension to Morgan Burk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23632) granting an increase of pension to John W. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23633) granting an increase of pension to George F. Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23634) for the relief of the heirs of Matthew H. Fulton—to the Committee on Claims.

Also, a bill (H. R. 23635) granting an increase of pension to Joseph McClain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23636) granting an increase of pension to John W. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23637) granting an increase of pension to James A. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23638) granting an increase of pension to John D. Moses—to the Committee on Invalid Pensions.

By Mr. NICHOLS: A bill (H. R. 23639) removing the charge of desertion from the military record of Charles H. Shippey—to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 23640) granting an increase of pension to John Boice—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 23641) granting an increase of pension to William V. Yeager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23642) granting an increase of pension to Robert P. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23643) granting an increase of pension to John T. Burriss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23644) granting an increase of pension to Thomas J. Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23645) granting an increase of pension to August Bain—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 23646) granting an increase of pension to John M. Rupert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23647) granting an increase of pension to Hazen Wardlow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23648) granting an increase of pension to Carroll B. Beasley—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 23649) for the relief of the legal representatives of Dr. Thomas B. Waters, deceased—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 23650) granting an increase of pension to Abraham F. Williams—to the Committee on Pensions.

Also, a bill (H. R. 23651) granting an increase of pension to John G. Benton—to the Committee on Pensions.

Also, a bill (H. R. 23652) granting an increase of pension to William Willingham—to the Committee on Pensions.

Also, a bill (H. R. 23653) granting an increase of pension to Maxfield McClelland—to the Committee on Pensions.

Also, a bill (H. R. 23654) granting an increase of pension to Isaac A. Redd—to the Committee on Pensions.

Also, a bill (H. R. 23655) granting an increase of pension to Berrien D. Whitehurst—to the Committee on Pensions.

Also, a bill (H. R. 23656) granting an increase of pension to Allen D. Douglas—to the Committee on Pensions.

Also, a bill (H. R. 23657) granting a pension to Frank E. Saxon—to the Committee on Pensions.

By Mr. STAFFORD: A bill (H. R. 23658) granting an increase of pension to George H. Wheeler—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 23659) granting an increase of pension to John Rish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23660) granting an increase of pension to Thomas F. Love—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23661) granting a pension to Robert H. Hite—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 23662) granting an increase of pension to Martin L. Pierson—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 23663) granting an increase of pension to John W. Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23664) granting an increase of pension to James H. Michael—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23665) granting an increase of pension to Alpheus Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23666) granting an increase of pension to Elijah Coffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23667) granting an increase of pension to Fletcher B. Wilson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 23668) granting an increase of pension to Thomas Milnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23669) granting an increase of pension to Levi H. Sleeper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23670) granting an increase of pension to John Harrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23671) granting an increase of pension to George Hamlet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23672) granting an increase of pension to Joseph H. Whittier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23673) granting an increase of pension to Asa P. Boardman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23674) granting an increase of pension to Moses Wadleigh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23675) granting an increase of pension to Joseph Carraway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23676) granting an increase of pension to Granville F. McClure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23677) granting an increase of pension to Charles W. Willey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23678) granting an increase of pension to Thomas A. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23679) granting an increase of pension to William Gowitzke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23680) granting an increase of pension to George F. Lillis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23681) granting an increase of pension to John Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23682) granting a pension to Bert A. Colson—to the Committee on Pensions.

Also, a bill (H. R. 23683) granting a pension to Sarah M. Byron—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 23684) granting an increase of pension to Patrick A. Galvin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23685) granting an increase of pension to Alvin A. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23686) granting an increase of pension to Webb Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23687) granting an increase of pension to J. L. Bradford—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 23688) granting an increase of pension to Joseph B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23689) granting an increase of pension to Joseph Miller—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 23690) granting an increase of pension to Arthur Gorman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23691) granting an increase of pension to Stephen Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23692) granting an increase of pension to George Aman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23693) granting an increase of pension to Paul S. Hawks—to the Committee on Pensions.

By Mr. WEEKS: A bill (H. R. 23694) granting an increase of pension to Horace W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23695) granting an increase of pension to Thomas A. Bailey—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 23696) granting an increase of pension to James Hindson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23697) to correct the war record of Caleb F. Higbee—to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 23698) granting a pension to Sara B. Kennamer—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 23699) to grant to John T. Rivett privilege to make commutation of his homestead entry—to the Committee on the Public Lands.



Also, a bill (H. R. 23700) for the relief of John J. Adams—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 23701) granting a pension to Charles J. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23702) granting a pension to Benjamin S. Waggener—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 23703) granting a pension to Albert I. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23704) granting a pension to R. B. Rankin—to the Committee on Invalid Pensions.

By Mr. CARY: Resolution (H. Res. 450) for the relief of Selina Field, widow of N. J. Field, late a private, Capitol police force—to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Elizabeth Ballew (H. R. 22913)—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Moses Stockdale—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Jacob Haller, of Erie, Pa., favoring removal of duty on raw and refined sugar—to the Committee on Ways and Means.

By Mr. BENNET of New York: Petition of citizens of Chicago, Ill., asking legislation to provide pensions for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Petition of Engineering Society of the Carolinas, favoring S. 4825, securing a system of forestry extending throughout the country—to the Committee on Agriculture.

Also, paper to accompany bill for relief of estate of Adam B. Fullen—to the Committee on War Claims.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Samuel Corruthers—to the Committee on War Claims.

By Mr. BURTON of Ohio: Petition of 19 citizens of Cleveland, Ohio, against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. CAMPBELL: Papers to accompany bill for the relief of Mrs. William C. O'Brien—to the Committee on War Claims.

By Mr. CAULFIELD: Petition of Hesse Envelope and Lithograph Company, of St. Louis, protesting against alleged discrimination against American manufacturers in favor of foreign manufacturers of envelopes, sections 397, 398, 399, and 402—to the Committee on Ways and Means.

Also, petition of Flat River (Mo.) Mine Workers' Union, Local No. 225, for investigation and regulation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Committee on Mines and Mining.

By Mr. CHANEY: Petition of Lewis Saucerman, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Board of Trade, favoring S. R. 40, providing for transportation by sea of material and equipment for use in construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. DARRAGH: Petition of H. Ladner & Co. and 98 other citizens of Mecosta, Osceola, Antrim, and Grand Traverse counties, Mich., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nancy H. Ewell and 138 other citizens of Gratiot and Roscommon counties, Mich., against the passage of S. 3940, known as the "Sunday bill"—to the Committee on the District of Columbia.

By Mr. DAWSON: Memorial of city council of Clinton, Iowa, favoring improvement of the Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of Iowa Academy of Science, favoring the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DE ARMOND: Petition of citizens of Garden City, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bills for relief of Conrad Seim, Calvin F. Boxley (H. R. 23017), Abner Gwinn (H. R. 23014), Marcus D. Warner (H. R. 23305), Nancy Cox (H. R. 22504), Thomas J. Kirtley (H. R. 23307), Mary Dickinson (H. R. 23306), Davis Woody (H. R. 23304), and John Bridge (H. R. 23015)—to the Committee on Invalid Pensions.

By Mr. DUREY: Petition of various residents of New York, against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. ENGLEBRIGHT: Petition of miners of Shasta County, for reduction of the tariff on lead and lead ores—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Francisco, for appropriation for a marine-hospital building—to the Committee on Public Buildings and Grounds.

By Mr. ESCH: Petition of J. W. Bryant, of the Bryant-Sisson Company, favoring removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FOCHT: Petition of Perry County (Pa.) Veteran Soldiers' Association, suggesting an amendment to the act of February 6, 1907, granting pensions to enlisted men, soldiers and officers who served in the civil war and war with Mexico—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of citizens of Idaho, against S. 3940, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Papers to accompany bills for relief of Daniel S. Carmony and John J. Merrill—to the Committee on Invalid Pensions.

By Mr. GRONNA: Petition of citizens of Grand Forks County, N. Dak., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HAMILTON of Michigan: Petition of citizens of Berrien County, Mich., against the passage of S. 3940, entitled "An act for the proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of citizens of Van Buren County, Mich., against Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAMLIN: Paper to accompany bill for relief of Mary A. Runyan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of R. D. Shackelford—to the Committee on Military Affairs.

By Mr. HAWLEY: Paper to accompany bill for relief of George W. Hayden (H. R. 22257)—to the Committee on Invalid Pensions.

By Mr. HAY: Petition of Cooper Brothers, of Winchester, Va., favoring removal of duty on sugar—to the Committee on Ways and Means.

By Mr. HAYES: Petition of National Association of Stationary Engineers, against legislation promotive of favoritism in the post-office service—to the Committee on the Post-Office and Post-Roads.

Also, petition of Theodore H. Wiltz, favoring enactment of an exclusion law against undesirable Asiatics—to the Committee on Immigration and Naturalization.

Also, petition of San Jose Chamber of Commerce, favoring additional appropriation for Bureau of Soils—to the Committee on Agriculture.

Also, petition of International Association of Mechanics, favoring enactment of illiteracy test in immigration legislation and for better sanitary accommodations to steerage immigrants—to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Paper to accompany bill for relief of James W. Smith—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Alexander Sample and Frances Westerfield—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of August Miltner—to the Committee on Military Affairs.

Also, paper from Homer Earle, favoring an increase of duty on silica—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of B. F. Walker—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of D. B. Johnson, John W. Lamb, and John T. Starkey—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: Petition of citizens of Rhea County, Tenn., against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. LAW: Petitions of Rear-Admiral H. F. Pickering, Naval Garrison, No. 4, of Erie, Pa., and Major-General Charles F. Roe Garrison, No. 71, for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

By Mr. LOUD: Petition of citizens of Montmorency County, Mich., against the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. JENKINS: Petition of citizens of Burnett County, Wis., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. KAHN: Petition of Asiatic Exclusion League of North America for legislation to effectively exclude all Asiatics—to the Committee on Foreign Affairs.

By Mr. KÜSTERMANN: Petition of Charles O. Bear Camp, No. 3, Department of Wisconsin, Spanish War Veterans, for restoration of the army canteen—to the Committee on Military Affairs.

By Mr. McMORRAN: Petition of citizens of North Branch, Mich., against enactment of S. 3940—to the Committee on the District of Columbia.

By Mr. MARTIN: Petition of Synod of South Dakota, Presbyterian Church, favoring H. R. 11805, to prevent Sunday banking in post-offices, and for legislation compensating, by a rest day of twenty-four hours, all clerks who work on Sunday—to the Committee on the Post-Office and Post-Roads.

Also, petition against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of citizens of South Dakota, against any parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Martland Mine and Mill Men's Local Union, No. 19, for investigation and regulation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Committee on Mines and Mining.

By Mr. MONDELL: Petition of citizens of Cheyenne against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of estate of Lewis Patterson and James Nipper—to the Committee on War Claims.

By Mr. MOUSER: Paper to accompany bill for relief of James A. Turner—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Joseph McClain and John W. Fowler—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

Also, petition of citizens of Boston, Mass., for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

Also, petition for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

By Mr. POLLARD: Petition of citizens of Lincoln, Nebr., against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. PORTER: Petition of citizens of Medina, N. Y., against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. RAINEY: Petition of Illinois Manufacturers' Association, against legislation inimical to corporate interests—to the Committee on Interstate and Foreign Commerce.

By Mr. REID: Paper to accompany bill for relief of Mary A. and Clarence E. Haney—to the Committee on War Claims.

Also, papers to accompany bills for relief of estate of John Diehl and William P. Campbell—to the Committee on War Claims.

By Mr. SPARKMAN: Papers to accompany bills for relief of William Willingham, John C. Benton, Maxfield McClellan, Isaac A. Redd, Berrien D. Whitehurst, Abraham F. Williams, Allen D. Douglas, and Frank E. Saxons—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Petition of State Association of Minnesota, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington County (Minn.) Medical Society, favoring establishment of a national department of public health—to the Committee on Interstate and Foreign Commerce.

By Mr. STURGISS: Petition of C. M. Loebrig for legislation pensioning members of United States Military Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

Also, petition against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition against Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, papers to accompany bills for relief of Alpheus Wilson, Fletcher B. Wilson, Elijah Coffman, and John W. Combs—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Papers to accompany bill of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes"—to the Committee on Ways and Means.

By Mr. THOMAS of Ohio: Petition of the Devoe Grocery Company, of Warren, Ohio, for removal of duty on sugar—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of business men of Wellsville, N. Y., against establishment of parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of towns of Concord and Yorkshire, against enactment of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

## HOUSE OF REPRESENTATIVES.

FRIDAY, December 11, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

### QUESTION OF PRIVILEGE.

Mr. PERKINS. Mr. Speaker, I rise to a question of the privilege of the House and offer a resolution which I ask the Clerk to report.

The SPEAKER. The gentleman from New York [Mr. PERKINS] offers a resolution, which the Clerk will report.

The Clerk read as follows:

#### House resolution 451.

Whereas there was contained in the sundry civil appropriation bill, which passed Congress at its last session and became a law, a provision in reference to the employment of the Secret Service in the Treasury Department; and

Whereas in the message of the President of the United States to the two Houses of Congress it was stated in reference to that provision. "It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes," and it was further stated, "The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by Secret Service men," and it was further stated, "But if this is not considered desirable a special exception could be made in the law, prohibiting the use of the Secret Service force in investigating Members of Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least hamper effective action against criminals by the executive branch of the Government;" Now, therefore be it

Resolved, That a committee of five Members of this House be appointed by the Speaker, to consider the statements contained in the message of the President and report to the House what action, if any, should be taken in reference thereto.

Mr. PERKINS. Mr. Speaker, I do not believe in oversensitiveness to unfavorable criticism, whether upon an individual or upon a public body. But while there may be undue sensitiveness, so also there may be undue obtuseness, which might argue a lack of proper self-respect.

It is of importance to the Republic that all of the coordinate branches of the Government should possess, in a high degree, the confidence and respect of the people. I yield to no one in my respect for the Chief Executive of the United States; and I yield to no one in my respect for the Congress of the United States. [Loud applause.] To the Congress is granted great power, and upon it are imposed great responsibilities. We can not neglect our duties nor shirk our responsibilities. The dignity of that body should not be punctiliously insisted upon, but it should be properly maintained. The statements made by the President of the United States can not be lightly disregarded. They may be so construed by the public as to lessen the dignity and thereby impair the usefulness of the Congress of the United States. It can be justly said, I think, that these expressions were unfortunate. Whether it is enough to say this or whether some more formal action should be taken it will be for Congress, exercising a wise and discreet judgment, to decide.

Mr. Speaker, we are the representatives of ninety millions of people. We are the legislative body of a great nation. I am sure there is no one who has the honor to be a Member of this Congress who will hesitate to approve such action as may be required by a proper regard for the dignity of the body to which we belong, and of the people whose Representatives we are.

Mr. Speaker, the resolution offered provides for the appointment of a committee which shall report to the House. Upon the coming in of the report there will be full opportunity for discussion. I shall be glad if the resolution can now be adopted without debate and without dissent. [Loud applause.]

The question was taken, and the resolution was agreed to.